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GENERAL LAWS
OF THE
STATE OF IDAHO

PASSED AT THE FOURTEENTH SESSION
OF THE
STATE LEGISLATURE

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

BOISE, IDAHO
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1917

GENERAL LAWS OF THE STATE OF IDAHO

CHAPTER 1.

(H. B. No. 1.)

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF THE ENLISTED MEN OF THE SECOND INFANTRY, NATIONAL GUARD OF IDAHO, DIRECTING THE MANNER IN WHICH, AND THE PERSONS IN FAVOR OF WHOM, THE WARRANTS FOR THE PAYMENT OF THE SAME SHALL BE DRAWN, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of any moneys in the general fund in the State Treasury, not otherwise appropriated, the sum of Seven Thousand Three Hundred Thirty-three Dollars and Fifty Cents (\$7,333.50) for the relief of the enlisted men of the Second Infantry, National Guard of Idaho, for duties performed by them from the time they were called into service by the Governor of the State of Idaho on June 18, 1916, to the time they were mustered into the service of the United States on July 3-6, 1916, and for which said services the continuing appropriation, made by Section 101 of Chapter 72 of the General laws of the State of Idaho for the year 1911, was insufficient to pay the said men.

SEC. 2. The State Auditor is hereby authorized, empowered and directed, upon presentation to him of a certified copy of this Act together with a certificate signed by the Governor and The Adjutant General of the State of Idaho, giving a list of the names of the said men and the amount to which each said man is entitled, to draw a warrant upon the general fund of the State Treasury, in favor of, and deliver the same to, each of the said men named in the said certificate and in the amount to which each said man is entitled as shown by the said certificate, and the said warrant shall be a receipt for all dues and demands for such services; *Provided, however,*

That in case any enlisted man to whom money is due from the State of Idaho, has in his possession or has failed to account for or return to the proper authorities, any property of the State of Idaho with which he was entrusted, said fact, together with the value of any such property, shall be indicated on said certificate, and the amount for which the State Auditor shall draw the warrant in favor of any such man, shall be the amount due him after deducting the value of such property from the total amount due him for services.

SEC. 3. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved Jan. 11, 1917.

CHAPTER 2.

(H. B. No. 2.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF OFFICERS, MEMBERS AND EMPLOYEES AND FOR THE GENERAL EXPENSES OF THE FOURTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL GO INTO EFFECT IMMEDIATELY ON ITS APPROVAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Fifty Thousand (\$50,000) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the moneys in the general fund of the State Treasury, not otherwise appropriated, for the purpose of paying the compensation due the officers, members, and employees, and for the general expense of the Fourteenth Session of the Legislature of the State of Idaho. *Provided*, That after all expenses of said Fourteenth Session of the Legislature of the State of Idaho are paid, any and all money of this appropriation remaining as a surplus appropriation shall revert back to the said general fund of the State Treasury.

SEC. 2. That the State Auditor is hereby authorized and directed upon the presentation to him of the certificate of the presiding officer of the House of which the person named therein is a member, officer or employe, that the person mentioned in the certificate is entitled to compensation to the

amount therein stated, to draw his warrant on the general fund of the State Treasury for the amount so certified as due and also to draw his warrant on the general fund for the general expenses of each House of the Legislature during the said Fourteenth Session, upon the receipt by him from time to time of the certificate of the presiding officer thereof stating the amount due and to whom payable.

SEC. 3. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved January 16, 1917.

CHAPTER 3.

(H. B. No. 92.)

AN ACT

MAKING AN APPROPRIATION TO PAY THE SALARIES OF JUSTICES OF THE SUPREME COURT, OF ITS CLERKS, DEPUTY CLERKS AND STENOGRAPHERS, OF THE LIBRARIAN AND ASSISTANT LIBRARIAN AT BOISE, AND OF BAILIFFS, CRIERS AND MESSENGERS; TO PAY TRAVELING EXPENSES OF JUSTICES, CLERKS AND STENOGRAPHERS, THE EXPENSES OF PUBLICATION OF THE SUPREME COURT REPORTS, GENERAL OFFICE EXPENSES OF THE SUPREME COURT AND FOR MAKING REPAIRS OF BUILDING AND PAYING FOR UP-KEEP AND OTHER INCIDENTAL EXPENSES OF THE SUPREME COURT BUILDING AND LAW LIBRARY AT LEWISTON, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sums hereunder specified for the particular purposes mentioned and for no other for the biennial period beginning the first Monday of January, 1917, and ending on the first Monday of January, 1919. Any claim against any appropriation made by this Act, except fixed salaries, shall be audited, allowed and paid as prescribed by law for the audit, allowance and payment of claims against the State generally.

Supreme Court.

Salaries of justices of the supreme court.....	\$30,000
Salaries of three law clerks	13,800
Salaries of three stenographers	9,000

Salary of clerk of the supreme court	5,000
Salary of deputy clerk of the supreme court at Boise	2,640
Salary of deputy clerk of the supreme court at Lewiston	1,800
For other general and incidental expenses, including payment of a deputy clerk at Coeur d'Alene, salaries of bailiffs, criers and messengers at Boise, Lewiston and Coeur d'Alene, traveling and other expenses of justices, clerks and stenographers attending court and transacting official business at Lewiston and Coeur d'Alene and for stationery, books, postage, telegraph, telephone, freight, express and other incidental office expenses, in all..	8,820
For the publication and continuance of supreme court reports	5,400

Law Library at Boise.

Salary of Librarian	2,400
Salary of assistant librarian	1,200

Law Library at Lewiston.

For repair of supreme court building, care of lawn and building, fuel, postage, freight, express, telephone, light and other incidental expenses pertaining to the up-keep and maintenance of said library, in all	1,400
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SEC. 2. An emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved Feb. 1, 1917.

CHAPTER 4.

(S. B. No. 1.)

AN ACT

AUTHORIZING AN ADDITIONAL DISTRICT JUDGE FOR THE FIFTH JUDICIAL DISTRICT, PROVIDING FOR THE FIXING OF THE TERMS OF COURT IN SAID DISTRICT, AUTHORIZING THE APPOINTMENT OF SAID ADDITIONAL JUDGE TO HOLD OFFICE UNTIL THE NEXT GENERAL ELECTION AT WHICH DISTRICT JUDGES ARE ELECTED, AND PROVIDING FOR THE ELECTION OF SUCH ADDITIONAL JUDGE AT SUCH NEXT GENERAL ELECTION: REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That an additional district judge is hereby created and authorized for the Fifth Judicial District.

SEC. 2. That the Governor shall, within ten (10) days after the passage and approval of this Act, appoint such additional district judge for said Fifth Judicial District, to hold office until the next general election for district judges, and until his successor is elected and qualified; and said judge shall receive the salary and perform the duties of a district judge for said district.

SEC. 3. The senior judge in point of continuous service in said judicial district is hereby empowered to re-fix the terms of the district court in the said Fifth Judicial District for the year 1917, and thereafter they shall be fixed as provided by law.

SEC. 4. The jurisdiction of the respective judges of said district shall be equal and co-extensive with the boundaries of the district, and to the same extent as in the case of judges of other districts of this State; and the terms of court in the counties of said district may be so arranged that one or more courts shall be in session at the same time.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 6. An emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved February 8, 1917.

CHAPTER 5.

(H. B. No. 59.)

AN ACT

MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE KING HILL AND KING HILL EXTENSION IRRIGATION PROJECTS IN ELMORE, TWIN FALLS, OWYHEE AND GOODING COUNTIES, IDAHO; AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO MAKE AND ENFORCE PROPER RULES TO COLLECT AND EXPEND MAINTENANCE FEES ON SAID PROJECTS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the general fund of the State, the sum of Twenty-six Thousand, Three

Hundred Thirty-two Dollars (\$26,332.00), or so much thereof as may be necessary for the purpose of assisting in the maintenance and furnishing of water to settlers under the irrigation projects known as the King Hill and King Hill Extension projects in Elmore, Gooding, Owyhee and Twin Falls Counties, Idaho, for the irrigation seasons of the years 1917 and 1918, or such periods as may be deemed advisable by the State Board of Land Commissioners of the State of Idaho.

SEC. 2. Such portion of the appropriation herein provided for, as the State Board of Land Commissioners may determine, shall be expended for the purposes herein stated; under the direction and control of said Board, and said Board is empowered to prescribe and enforce rules for the collection of proper maintenance fees from the settlers under said project and apply such maintenance fees so collected to the maintenance of said projects and delivery of water thereunder.

SEC. 3. An emergency existing therefor, this Act shall become effective from and after its passage and approval.

Approved Feb. 13, 1917.

CHAPTER 6.

(H. B. No. 310.)

AN ACT

TO PROVIDE FOR THE PAYMENT OF OFFICERS, MEMBERS AND EMPLOYEES AND FOR THE GENERAL EXPENSES OF THE FOURTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL GO INTO EFFECT IMMEDIATELY ON ITS APPROVAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Thirty Thousand (\$30,000) Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the moneys in the general fund of the State Treasury, not otherwise appropriated, for the purpose of paying the compensation due the officers, members, and employees, and for the general expense of the Fourteenth Session of the Legislature of the State of Idaho. *Provided*, That after all expenses of said Fourteenth Session of the Legislature of the State of Idaho are paid, any and all money in this appropriation remaining as a surplus appropriation

shall revert back to the said general fund of the State Treasury.

SEC. 2. That the State Auditor is hereby authorized and directed upon the presentation to him of the certificate of the presiding officer of the House of which the person named therein is a member, officer or employee, that the person mentioned in the certificate is entitled to compensation to the amount therein stated, to draw his warrant on the general fund of the State Treasury for the amount so certified as due and also to draw his warrant on the general fund for the general expenses of each House of the Legislature during the said Fourteenth Session, upon the receipt by him from time to time of the certificate of the presiding officer thereof stating the amount due and to whom payable.

SEC. 3. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved Feb. 23, 1917.

CHAPTER 7:

(S. B. No. 7.)

AN ACT

TO AMEND SECTION 834, REVISED CODES, RELATING TO THE SALARY OF THE STATE LAW LIBRARIAN, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 834 of the Revised Codes of Idaho is hereby amended to read as follows:

Sec. 834. They shall appoint a librarian at a salary of twelve hundred dollars per year, and such librarian must keep the library open every day, except Sundays and legal holidays, while the supreme court and the legislature, or either, may be in session, from nine o'clock a. m. to nine o'clock p. m., and on all other days except Sundays and legal holidays, from nine o'clock a. m. to five o'clock p. m.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved Feb. 26, 1917.

CHAPTER 8.

(H. B. No. 46.)

AN ACT

TO AUTHORIZE AND ENABLE BOARDS OF COUNTY COMMISSIONERS TO LAY OUT, CONSTRUCT, BUILD, IMPROVE AND MAINTAIN ROADS AND BRIDGES IN ADJOINING COUNTIES AND TO PAY THEREFOR FROM THE GENERAL ROAD FUND, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the board of county commissioners of each county in the State of Idaho shall have the right and they are hereby authorized and empowered to lay out, build, repair, improve and maintain roads, highways and bridges in any adjoining county whenever it shall appear to the board of a particular county that the laying out, building, repairing, improving or maintaining of roads, highways and bridges in any adjoining county is or will be in the interest of such particular county or of benefit to the people thereof. *Provided*, That the expense thereof shall be paid out of the general road fund of the county whose board orders and contracts such work to be done. *And, Provided further*, That such road, highway or bridge work shall not be done in any adjoining county by a particular county in any case where the doing thereof would in any manner impair the credit of such adjoining county or injure its property or be detrimental to the interest of its citizens.

SEC. 2. At least thirty (30) days before the board of county commissioners of a particular county shall proceed to do any work in any adjoining county under the provisions of the foregoing section it shall cause to be served a notice in writing on the chairman or clerk of the board of county commissioners of such adjoining county of its intent to do such work, particularly describing the nature, scope and kind of work to be done in such adjoining county, giving the approximate cost of such work, the place or places where such work is to be performed, the approximate time such work will be commenced and the approximate time that will be required to complete said work.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 26, 1917.

CHAPTER 9.

(H. B. No. 53.)

AN ACT

AMENDING SECTION 7 OF AN ACT APPROVED MARCH 11, 1909, BEING HOUSE BILL NO. 223, LAWS OF 1909, PAGE 299, AS AMENDED BY SECTION 2 OF CHAPTER 34 OF THE ACTS OF THE THIRTEENTH SESSION OF THE LEGISLATURE, LAWS OF 1915, PAGE 103; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 7 of an Act approved March 11, 1909, being House Bill No. 223, Laws of 1909, page 299, as amended by Section 2 of Chapter 34 of the Acts of the Thirteenth Session of the Legislature, Laws of 1915, page 103, be and the same hereby is amended to read as follows:

Section 7. Whenever the State Engineer shall deem it advisable to clear the records of his office of permits, the owners of which have failed or neglected to comply with the law and the requirements of said permits as to the date of commencing of work or the filing of bond thereunder, or the completion of one-fifth (1-5) of the construction work within one-half (1-2) the time allowed for the completion of such construction work, or the final completion of such construction work, and has reason to believe that any permit or permits are subject to cancellation, as in this Act provided, he shall prepare and mail by registered mail to the holder of each permit which he believes subject to cancellation and which he desires to cancel a notice fully describing the permit in question, with the date of issuance thereof, point or points of diversion, and setting forth in clear and concise manner the reasons why the cancellation of said permit is proposed. Said notice shall be mailed to the last known postoffice address of the holder of said permit and shall require said permit holder to show cause before the State Engineer on or before a date therein set, which shall be not less than 30 days from the mailing of said notice, why said permit should not be cancelled. On failure to appear and make such showing on or before the date set or on failure, in the opinion of the State Engineer, to make sufficient showing, said permit may be cancelled. In lieu of the mailing of said notice by registered mail, service of the same may be made as provided by the laws of Idaho for the service of a summons in civil actions. Any party ag-

grieved by the decision of the State Engineer under the provisions of this section may appeal to the district court in the manner provided in Sections 3 and 4 of this Act.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 10.

(H. B. No. 75.)

AN ACT

TO AMEND SECTION 3, CHAPTER 187, OF THE 1913 SESSION LAWS, ENTITLED, "AN ACT PLACING UNDER THE SUPERVISION OF THE STATE BANK COMMISSIONER THE SAVINGS DEPARTMENT OF TRUST COMPANIES ORGANIZED PRIOR TO THE TAKING EFFECT OF CHAPTER 124 OF THE LAWS OF 1911, UNDER CHAPTER 12 OF TITLE 4 OF THE CIVIL CODE OF IDAHO, AND REGULATING THE INVESTMENT OF SAVINGS HELD BY SUCH INSTITUTIONS," AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3 of Chapter 187, 1913 Session Laws, be and the same is hereby amended to read as follows:

Section 3. It shall be lawful for such trust company to invest its savings deposits only as follows, and not otherwise:

1. In bonds or interest-bearing notes or certificates of the United States, including bonds issued by Federal Farm Loan Banks.

2. In bonds or interest-bearing evidences of indebtedness of this State.

3. In bonds or warrants or local improvement bonds or warrants of any city, town, county, school district or irrigation district in this State, issued pursuant to authority of law but not exceeding 40 per cent (40%) of the capital and surplus and not exceeding twenty per cent (20%) of the savings deposits of any such trust company shall consist of bonds or of warrants of any one city, town, county school district or irrigation district.

4. In bonds or warrants of any state in the Union or any city, town, county, school or irrigation district of any such state that has not for three (3) years previous to such investment being made defaulted in payment of the interest on its legal funded debt, but not exceeding forty per cent (40%).

of the capital and surplus and not exceeding twenty per cent (20%) of the savings deposits of any such trust company shall be invested in the bonds of any one state or of any county or municipality outside of this State.

5. In notes or bonds secured by mortgage to such trust company or by mortgage or deed of trust to any trust company under the laws of this State upon unincumbered real estate worth at least double the amount loaned thereon. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by such trust company they shall be insured by the borrower for the benefit of such trust company in some reliable company and such policy of insurance shall be assigned to such trust company, and it shall be lawful for such trust company to renew such policy of insurance from year to year, in case the borrower neglects to do so, and charge the same to him.

6. In real estate subject to the provisions governing such investments by savings banks organized under the State Banking Law. But no such trust company or corporation shall have more than fifty per cent (50%) of its capital invested in the title plant, abstract books and lot and building in which the business of such trust company may be carried on.

7. While awaiting opportunity for the judicious investment of funds deposited with such trust company, to loan the moneys so deposited upon well secured commercial paper or upon the security of stocks and other securities, not exceeding eighty per cent (80%) of the cash market value thereof.

SEC. 2. Whereas, an emergency exists therefor, this Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 11.

(H. B. No. 108.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF PAYETTE, SUBJECT TO THE APPROVAL HEREOF BY SIXTY-SIX AND TWO THIRDS PER-CENT OF THE QUALIFIED ELECTORS RESIDING THEREIN AT AN ELECTION TO BE CALLED AND HELD FOR THAT PURPOSE, AND DEFINING THE BOUNDARIES OF SAID PAYETTE COUNTY AND CANYON COUNTY AFTER SAID COUNTY OF PAYETTE HAS BEEN CRE-

ATED; TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF SAID PAYETTE COUNTY; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF CANYON COUNTY BETWEEN CANYON COUNTY AND PAYETTE COUNTY; TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID PAYETTE COUNTY AND FOR THE TRANSCRIPTION OF THAT PORTION OF THE RECORDS PERTAINING TO PERSONS AND PROPERTY OF CANYON COUNTY EMBRACED WITHIN THE SAID PROPOSED PAYETTE COUNTY; TO CONSTITUTE THE PROPOSED COUNTY OF PAYETTE A PART OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO AND A SENATORIAL DISTRICT OF THE STATE OF IDAHO; TO PROVIDE FOR THE CALLING AND HOLDING OF SAID ELECTION OF QUALIFIED ELECTORS VOTING IN SAID PROPOSED COUNTY OF PAYETTE TO VOTE UPON THE QUESTION AS TO WHETHER OR NOT THEY WISH TO AVAIL THEMSELVES OF THE PROVISIONS OF THIS ACT AND TO ESTABLISH SAID PAYETTE COUNTY; TO FIX THE COUNTY SEAT THEREOF, AND FOR OTHER PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be and there is hereby created and formed out of the northern part of Canyon County, in the State of Idaho, a new county to be called Payette County, to be organized as hereinafter provided in this Act: *Provided, however,* That sixty-six and two-thirds per cent of the qualified electors voting in the territory composed of the proposed new County of Payette, hereafter described, vote in favor of this Act becoming operative at an election to be called and held for that purpose in said territory as hereinafter provided.

SEC. 2. All that portion of the present County of Canyon, in the State of Idaho, included within the following boundaries, to-wit: Beginning at the intersection of the north line of Township Nine (9) North, Range Five (5) West, B. M., with the west line of the State of Idaho, said intersection being the southwest corner of Washington County, and running thence east a distance of twenty-two (22) miles more or less to the northwest corner of Section Three (3), Township Nine (9) North, Range One (1) West, B. M.; thence south on section line six (6) miles to the southeast corner of Section Thirty-three (33) of said township and range; thence west on township line between Townships Eight (8) and Nine (9) North, four (4) miles to the northwest corner of Section One (1) Township Eight (8) North, Range Two (2) West, B. M.; thence south on section line four (4) miles to the southwest corner of Section Twenty-four (24) of said township

and range; thence west on section line two (2) miles to the northwest corner of Section Twenty-seven (27) of said township and range; thence south on section line two (2) miles to southeast corner of Section Thirty-three (33) of said township and range; thence west on township line between Townships Seven (7) and Eight (8) seven (7) miles to the southwest corner of Section Thirty-three (33), Township Eight (8) North, Range Three (3) West, B. M.; thence south on section line twelve (12) miles to the southwest corner of Section Thirty-three (33), Township Six (6) North, Range (3) West, B. M.; thence west on township line between Townships Five (5) and Six (6) two (2) miles to the southwest corner of Section Thirty-one (31), Township Six (6) North, Range Three (3) West, B. M.; thence south on range line between Ranges Three (3) and Four (4) one-half ($\frac{1}{2}$) mile to the east quarter corner of Section One (1), Township Five (5) North, Range Four (4) West, B. M.; thence west along the center line of Sections One (1) and Two (2) said township and range, two (2) miles to the east quarter corner of Section Three (3), said township and range; thence south along the section line one-half ($\frac{1}{2}$) mile to the southeast corner of Section Three (3), said township and range; thence west along the section line three (3) miles to the southwest corner of Section Five (5), said township and range; thence north along the section line one (1) mile to the northwest corner of Section Five (5), said township and range; thence west along the township line between Townships Five (5) and Six (6) North two (2) miles to the southwest corner of Section Thirty-six (36), Township Six (6) North, Range Five (5) West, B. M.; thence north along the section line one (1) mile to the northwest corner of Section Thirty-six (36), said township and range; thence west along the section line one (1) mile to the southwest corner of Section Twenty-six (26) said township and range; thence north along the section line one (1) mile to the southwest corner of Section Twenty-three (23), said township and range; thence west along the section line two (2) miles to the southwest corner of Section Twenty-one (21), said township and range; thence north along the section line three (3) miles to the northwest corner of Section Nine (9), said township and range; thence west along the section line one and one-half ($1\frac{1}{2}$) miles more or less to an intersection with the west line of the State of

Idaho; thence in a northerly direction, following the said west boundary line of the State of Idaho to the point of beginning, shall constitute the County of Payette.

SEC. 3. That all portions of Canyon County within the State of Idaho not embraced within the boundaries of the proposed County of Payette, as defined in Section 2 of this Act, shall remain and constitute the County of Canyon until otherwise provided by law: *Provided*, Sixty-six and two-thirds per cent (66 2-3%) of the qualified electors voting in the territory to be made into the County of Payette vote in favor of making this Act become operative at the special election hereinafter provided for.

SEC. 4. The Governor of the State of Idaho shall immediately, upon this Act becoming effective, as hereinafter provided, issue his proclamation declaring said County of Payette finally created in accordance with the provisions hereof and shall forthwith thereafter appoint for the proposed new County of Payette the following officers, to-wit:

Three county commissioners, one sheriff, one clerk of the district court who shall be ex-officio auditor and recorder and clerk of the board of county commissioners, one county treasurer who shall be ex-officio county tax collector, one county assessor, one coroner, one surveyor, one probate judge, one superintendent of public instruction and one prosecuting attorney.

The recorder shall first qualify and the other officers so appointed shall immediately thereafter qualify, in the manner now provided by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices and discharge the duties thereof until their successors are elected and have qualified, as is or may hereinafter be provided by law. And the territory of said Payette County, for judicial purposes and the enforcement of the law against crime, shall be deemed to belong to the territory of Canyon County until the officers of the proposed County of Payette have been appointed and qualified, as hereinbefore provided.

SEC. 5. That the county seat of the proposed County of Payette shall be located at Payette until otherwise removed or changed as provided by law.

SEC. 6. For the purpose of fixing the annual salaries of the

county commissioners said County of Payette is hereby designated as a county of the third class. The County Commissioners of the said proposed County of Payette shall provide suitable offices and places at the county seat of said County of Payette, to be chosen as aforesaid, for the accommodation and safe keeping of the papers, files, records and other personal property belonging to the said county or connected with any of the offices therein and for the proper use of the county officers of the said county and for the holding of the district court therein.

SEC. 7. The County Commissioners of said Payette County shall, within five days after their qualifications, meet at the county seat in said County of Payette and organize for the transaction of county business, and shall, at such meeting, divide said county into three commissioner's districts, and shall establish precincts for said county and appoint officers thereof who shall hold their respective offices from the time of their qualifications until their successors are elected and qualified: *Provided, however,* That where, at the general election of the year 1916, officers were elected in precincts as heretofore established in said territory comprising said Payette County while the same was a part of Canyon County, such officers shall continue in office for such part or all of their respective precincts as said board of county commissioners may prescribe during the full term for which they were elected.

SEC. 8. Within ten days after the qualification of the County Commissioners of Payette County the board of county commissioners of said county and of the County of Canyon, respectively, shall meet at their respective county seats and each of said boards shall appoint a competent accountant. Such accountants shall constitute an auditing board and board of appraisers and shall, within five days after their appointment, meet at the City of Caldwell, in said Canyon County, and, after taking the usual oath of office and filing the same with the Recorder of said Canyon County and a duplicate thereof with the Recorder of said proposed Payette County, shall then and there proceed to examine the county records of Canyon County and make a full statement and report of all matters and things necessary or proper to be ascertained, audited and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of all indebtedness, public property and funds of

said Payette County, with their conclusions as to the amounts due from one county to the other upon such adjustment, which report and statement shall include the following items, to-wit: First. The total assessed valuation of all taxable property within each of said counties as shown by the assessment roll of Canyon County for the year 1916 and ratio which the amount of such property within the boundaries of Payette County bears to the amount of taxable property remaining in Canyon County. Second. The amount of taxable property in the respective portions of any school or road district divided by the creation of Payette County, as shown by the assessment roll of Canyon County of the year 1916, and the ratio which the amount of said property in that portion of any such district included within the boundaries of Payette County bears to the amount of taxable property in that portion of such district remaining in Canyon County. Third. The amount of all moneys and funds in the possession or under the control of the County Treasurer of Canyon County at the time of the passage and approval of this Act belonging to any school or road district or to any town, village or other municipal corporation included within the boundaries of Payette County and the portion of any such moneys and funds belonging to any school or road district divided by the creation of Payette County, to which the segregated portion of such district is entitled according to the ratio under the last preceding clause of this section. Fourth. The amount of all moneys in the general school fund of Canyon County and in the possession or under the control of the treasurer of said county at the time of the passage and approval of this Act and the portion thereof to which the school districts included within the boundaries of Payette County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made, and also the portion of any such fund to which the segregated portion of any school district divided by the creation of Payette County would be entitled according to the ratio established under the second clause of this section. Fifth. The amount of all general funds of Canyon County in the possession of or under the control of the Treasurer of Canyon County at the time of the passage and approval of this Act, including all current expense and road and bridge funds but not including any sinking funds or warrant redemption funds accumulated for the payment

of any outstanding indebtedness of said county, and the apportionment thereof between the Counties of Payette and Canyon according to the ratio of taxable property in each of said counties established as hereinabove provided. Sixth. An appraisal of all public property belonging to Payette County at the time this Act becomes operative, including taxes, fines, assessments, delinquent taxes, tax sale certificates, real estate and improvements thereon, furniture and fixtures and all other public property of said county, not including roads or bridges or the moneys and funds elsewhere in this section referred to. In making such appraisal such accountants and appraisers shall consider the cost of county buildings and other property and allow for subsequent wear and depreciation thereof and determine the present value thereof to the county. Seventh. The whole amount of the indebtedness of Canyon County for which said county as a whole was liable at the time this Act takes effect, including all outstanding bonds and warrants and judgments, if any, after deducting from any such indebtedness any funds then on hand in the treasury of said county for the redemption thereof or payment of interest thereof. Eighth. An apportionment of the public property and indebtedness, as determined under the sixth and seventh clauses of this section, between the Counties of Payette and Canyon, according to the ratio of taxable property established as hereinbefore provided, charging said Payette County with its pro rata share of the indebtedness of Canyon County as it existed at the time that this Act becomes operative, and with Canyon County's pro rata share of any public property within the boundaries of Payette County and crediting said Payette County with its pro rata share of all public property remaining within the boundaries of Canyon County, and a statement of the balance found to be due from one of said counties to the other under such apportionment. Ninth. A general summary of the matters and things determined by said accountants as hereinbefore specified and of all other matters necessary or proper to be ascertained and reported upon in order to make a full and satisfactory adjustment and settlement between said counties. Said accountants shall certify to their statements, reports and conclusions in duplicate and shall file one of such duplicates with the board of county commissioners of each of said counties. If the said accountants and appraisers cannot agree as to the value of the county's property and

the other things to be determined by them, the Governor of Idaho shall, at the request of either of said accountants, appoint one disinterested citizen who shall be neither a resident of nor an owner of taxable property in either of said counties who, after taking the same oath of office, shall act with such accountants, and the concurrence of a majority of such board of three thus constituted shall be decisive and control. Either of said counties may, if dissatisfied with the statements, reports and conclusions of said accountants, appeal to the District Court of the Seventh Judicial District in and for the County of Payette. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in event of a third accountant being employed, one-half of his compensation shall be paid by each of the said counties.

SEC. 9. For whatever amount is found to be due from either of said counties to the other upon the apportionment of the public funds and the property made by said accountants, as hereinbefore provided, the board of county commissioners of the debtor county shall cause county warrants to be drawn by the auditor of such county for the amount so due, payable to the creditor county, which said warrants shall draw interest at the rate of seven per cent (7%) per annum from the date thereof until paid, and shall be delivered to the proper officer of the creditor county.

SEC. 10. As soon as practicable after this Act becomes effective the County Recorder of Canyon County shall transcribe or cause to be transcribed from the records of his office in a neat and proper manner and clearly written in pen and ink or with a typewriter with indelible ink into permanent records all instruments, papers and other matters and things relating to or affecting property in the territory included in said County of Payette. When any of said records are completed said county recorder shall certify therein as to the identity and correctness of said records and deliver the same into the possession of the County Recorder of said Payette County. Said records, when so prepared and certified, shall be official records of said Payette County as to all property, matters and things to which they refer or which they affect, and shall have the same force and effect as the originals. The County Commissioners of Payette County shall employ competent persons to prepare proper indexes for said new rec-

ords, and the actual cost of such transcribing and indexing shall be audited and paid by the said County of Payette. Any of the records, instruments, documents, maps, plats, tax sale certificates or other maps of Canyon County which relate wholly to and cover property located entirely in Payette County shall be certified to by the officers of said Canyon County in whose proper possession they now are and by them turned over to the proper officer of Payette County, without being transcribed, and shall be a part of the public records of said last named county: *Provided, however,* In case originals are turned over under the provisions of this section copies shall not be furnished.

SEC. 11. The County Assessor of Canyon County shall, immediately upon taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of his office, so far as they show the unpaid taxes against persons, firms, associations, corporations and property within the territory included in the County of Payette, and as soon as completed shall deliver said copy to the Assessor of Payette County. Said copies of the tax rolls shall be official records of said last named county with the same force and effect as the originals thereof, and the same shall be authority for the tax collector of said Payette County to collect said unpaid taxes in any manner authorized by law.

SEC. 12. The County Treasurer of Canyon County shall, as soon as the County Treasurer of Payette County is qualified to act, pay over to the County Treasurer of said Payette County all school money in his hands belonging to the district schools and independent school districts in Payette County which had come into his possession or under his control from taxes or other revenue collected up to the time of the taking effect of this Act, and shall also pay to the municipal corporations in Payette County all funds in his hands belonging to such municipal corporations.

SEC. 13. Said County of Payette shall be included in and from a part of the Seventh Judicial District of the State of Idaho and the terms of the district court for said county shall be fixed by the judge of said court in the manner now provided by law for the fixing terms of the district courts in this State, and all actions and proceedings now pending in the district courts of Canyon County, the causes of which arose in the territory included in Payette County and which should

have been brought in said last named county had said county at that time existed, shall be transferred to said Payette County.

SEC. 14. Upon the written application of a party interested in any of said actions or proceedings, his agent or attorney, the judge of said district court shall sign, in duplicate, an order directing the transfer of the actions or proceedings specified in said applications, one of which orders shall be filed with the clerk of the district court of the county wherein the same is pending and one with the Clerk of the District Court of Payette County.

SEC. 15. Upon the filing with him of any such order for said transfer the Clerk of the District Court of Canyon County shall immediately transmit to the Clerk of the District Court of Payette County all the pleadings and other papers belonging to the files and shall make out and include therewith a transcript of all the record entries of the proceedings and orders had and entered in said case and an itemized statement of all costs and fees taxed or claimed therein, and shall send with said files transcript and statement of his certificate specifying the several pleadings and other papers so transmitted, and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 16. Upon the receipt by him of the papers in the actions so transferred the Clerk of the District Court of Payette County shall file the same and docket cases in the same manner as though they had been originally commenced in his county, and shall charge therefor no fee, but in all filings and proceedings subsequent thereto he shall charge and collect fees provided by law.

SEC. 17. Upon the request of a person interested in any action so transferred from said county, his agent or attorney, the Clerk of the District Court of Payette County shall spread in full upon the proper records in his office the proceedings and orders theretofore entered in said action, as shown by the said transcript thereof.

SEC. 18. As soon as practicable after the taking effect of this Act the Clerk of the District Court of Canyon County shall transmit to the Clerk of the said Court of Payette County the pleadings and all other papers belonging to the files in all actions or proceedings in the district court of his

county wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Payette County with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings as shown by the records of his office, and shall include therewith his certificate specifying and identifying said pleadings and papers. Where said real estate, water rights, or mining interests lie partly in both Payette and Canyon Counties the clerk of the district court of said county shall make and transmit to the Clerk of the District Court of Payette County with the transcript of such orders, judgments, decrees and other proceedings duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office. For the making of such transcripts said clerk shall receive a reasonable compensation, to be paid by Payette County.

SEC. 19. Upon receipt by him of the papers and transcripts mentioned in Sections 17 and 18 of this Act the Clerk of the District Court of Payette County shall file and index the same, and upon the payment of his fees therefor by any person interested shall spread in full upon the proper records of his office the orders, decrees, judgments and other proceedings so entered in Canyon County, as shown by the transcripts thereof.

SEC. 20. Upon the taking effect of this Act the Clerk of the District Court of Canyon County shall prepare a list and statement of all the judgments for the payment of money entered or filed in his office that are unsatisfied and not barred by the statute of limitation, which shall show the names of the parties to each suit, the judgment, defendants, the dates and amounts of the several judgments with the rate of interest each bears and the amount of all costs accrued in each, and shall certify the same to the Clerk of the said Court of Payette County. The clerk of said last named county, upon receipt of such lists and statements, shall make record of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Payette County and all liens created thereby and existing at the time of the passage of this Act, shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 21. The Probate Judge of Canyon County shall, upon the taking effect of this Act, transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his office which came from the territory now embraced in the County of Payette and properly belonging to said last named county, and shall transmit to the Probate Judge of Payette County all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates or matters, with certified transcripts of all record entries therein; and the preceding section of this Act relating to the transfer of actions in the district court shall, as far as applicable, govern transfers in the probate court, except that such transfers shall be made without application therefor being required.

SEC. 22. That all of the papers, files, statements, transcripts and other record matters and things transferred from Canyon County or any of the officers thereof to Payette County or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared a part of the legal and official records of said last named county to the same extent and effect as the originals thereof and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 23. All laws of a general nature applicable to the several counties of this State and to the officers thereof are hereby applied to the County of Payette and to all the officers who may be appointed or elected therein, except as otherwise provided in this Act.

SEC. 24. Until further provided by law the said County of Payette shall constitute a senatorial district of the State of Idaho and shall be entitled to elect one senator and shall be entitled to elect one representative to the House of Representatives until such time as the representation shall be fixed by a general apportionment act.

SEC. 25. Immediately upon the passage and approval of this Act the Secretary of State shall send by registered mail a certified copy thereof to the Clerk and Chairman of the Board of County Commissioners of Canyon County at their place of residence, and the said Board of Commissioners of Canyon County shall, at their April quarterly meeting next following the date of passage and approval of this Act, call a special election to be held in the portion of Canyon County constitut-

ing the proposed new County of Payette to carry out the provisions of this Act. Said election shall be called for and be held upon the 11th day of May, 1917, and shall be held in each voting precinct in said proposed new County of Payette as said precincts have been heretofore established: *Providing*, That if the boundary lines of Payette County shall divide any voting precinct of Canyon County as at present constituted, then the Board of County Commissioners of Canyon County shall either re-establish for the purposes of this election the said divided precinct as a voting precinct by itself, or annex the same for the purpose of this election to any adjoining precinct, and shall publish notice for the same length of time as a notice of election, setting forth the creation and alteration of any such voting precinct, and shall have full power to annex and establish voting places in any such newly created or altered voting precinct and to appoint officers of election as nearly as practicable in the manner provided for general elections. The Board of County Commissioners of said Canyon County shall cause its county clerk to prepare and give notice of said special election and publish the same for at least two weeks in some newspaper published in said new County of Payette having a general circulation therein, and said county clerk shall also send three notices in substantial compliance with the provisions of Section 354 of the Revised Codes of Idaho to a judge of election of each of said precincts who acted at the last general election therein or, if there is a vacancy in such judgeship, to a judge appointed by the county commissioners for such special election. Said judge of election to whom the said notice shall be sent shall post the same in accordance with the requirements of Section 355 of the Revised Codes of Idaho as amended by Chapter 92 of the Session Laws of 1913. The County Clerk of said Canyon County shall prepare for the portion of Canyon County proposed to be incorporated in the County of Payette ballots, as provided herein, poll lists and other necessary election material and supplies, to be used at said election as nearly as practicable in the same manner as for general elections, and transmit the same to the proper officers, as provided by the general election laws of the State of Idaho. In all other matters and things said election shall be conducted as nearly as practicable in conformity to the general election laws of the State of Idaho. The officers of said election precincts

shall qualify before commencing their duties in the same manner as is required of such officers in general elections. The county commissioners shall designate and provide voting places in said election precincts in as nearly as practicable the same manner as for general elections.

SEC. 26. That at said special election herein provided for every elector duly qualified under the laws of Idaho to vote at a general election in said State shall be entitled to vote: *Provided*, Such elector has been a resident of said new county for ninety days prior to said election. Said election shall be conducted in all respects, except in the matter pertaining to the registration of voters, as provided by the laws of Idaho governing general elections, unless herein otherwise specially stated.

SEC. 27. That forms of ballots shall be prepared by the County Clerk of Canyon County and transmitted for use in said election, as hereinbefore provided, which said ballots shall be for the purpose of determining whether or not the said County of Payette shall be created and be in substantially the following form, to-wit:

“For Payette County(.....)
Against Payette County(.....)”

The elector shall make a cross with a pen or pencil in the space opposite the words “For Payette County” if such elector desires to vote in favor of the creation of the proposed new County of Payette, or such elector shall make a cross with a pen or pencil in the space opposite the words on said ballot “Against Payette County” if such elector desires to vote against the creation of said proposed Payette County and the marks so made shall be considered as expressing such voter’s intention, and if sixty-six and two-thirds per cent (66 2-3%) of the electors voting at said election vote in favor of creating said proposed new County of Payette, then the same shall be so created, and if more than thirty-three and one-third per cent (33 1-3%) of the electors voting at said election vote against the creation of said proposed new County of Payette, then the same shall not be created but the territory embraced within the proposed new County of Payette shall remain as at present, a portion of said Canyon County until otherwise changed by law.

SEC. 28. Immediately after the closing of the polls at

said special election in the several voting precincts in said proposed new County of Payette the judges and clerks of said election in the respective precincts shall canvass the votes cast thereat and so tabulate the same as to clearly show the results as to votes cast for and against the creation of said County of Payette and certify the results thereof to the Board of County Commissioners of the County of Canyon, and on the Monday after the holding of said election the said board of county commissioners shall meet at their offices at the county seat of said county at 2 o'clock P. M. of said day and canvass the returns of said election and immediately certify the result thereof to the Governor of Idaho.

SEC. 29. That if sixty-six and two-thirds per cent (66 2-3%) of the votes cast at said special election are in favor of the creation of said County of Payette, the Governor shall, within five days after receiving the returns of said special election, issue his proclamation declaring the result of said election and the creation of said County of Payette, and shall name and appoint the several officers in and for said county, as provided in Section 4 hereof. Said officers so appointed shall qualify and commence their duties on the first Monday of July, 1917.

SEC. 30. All prisoners in the custody of Canyon County or any officer thereof charged with an offense committed within the boundaries of Payette County, as established by this Act, shall, upon the qualification of the officers of Payette County, be delivered to the sheriff of said county and tried therein, and all persons then on trial, charged with offenses committed within the boundaries of Payette County shall, if indicted or informed against in Canyon County or if they shall be indicted or informed against in Payette County, be tried in said Payette County.

SEC. 31. That the cost of holding said special election, if favorable to, and the creation of said Payette County, if approved by sixty-six and two-thirds per cent (66 2-3%) of the votes cast at said election, shall be paid by said proposed new County of Payette and chargeable to its portion of liabilities between it and the County of Canyon at the settlement of the indebtedness to be apportioned between said counties.

SEC. 32. All acts and parts of acts inconsistent with this Act are hereby repealed so far as they conflict with its provisions.

SEC. 33. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 12.

(H. B. No. 115.)

AN ACT

AMENDING SECTIONS 149 AND 160 OF CHAPTER 159, SESSION LAWS, 1911, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 149 of Chapter 159, Session Laws, 1911, be and the same hereby is amended to read as follows:

Section 149 (a). It shall be the duty of the head teacher of each district to check or cause to be checked the enrollment of the school against the report furnished by the clerk as aforesaid and to report to the county superintendent all pupils not in attendance who are within the ages of eight (8) and sixteen (16) and who have no release from school: *Provided*, That this section shall not apply to children over fifteen (15) who shall have completed the eighth grade.

(b). At the beginning of each month thereafter it shall be the duty of such head teacher to report to the county superintendent, the names of all children between eight (8) and sixteen (16) not bearing releases who failed to attend school during the preceding month. It shall be the duty of the county superintendent to refuse to countersign the teachers' warrants until such reports are made as herein provided: *Provided*, That districts having a superintendent of schools shall not report to the county superintendent but shall proceed through their district superintendent in the same manner as herein provided for county superintendents.

SEC. 2. That Section 160 of Chapter 159, Session Laws, 1911, be and the same hereby is amended to read as follows:

Section 160. In all districts of this State all parents, guardians and other persons having care of children shall instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography and arithmetic. In such districts every parent, guardian or other person having charge of any child between the ages of eight (8) and sixteen

{16} years, shall send such child to a public, private or parochial school for the entire school year during which the public schools are in session in such district: *Provided, however,* That this chapter shall not apply to children over fifteen (15) years of age where such child shall have completed the eighth (8) grade or may be eligible to enter any high school in such district, or where its help is necessary for its own use or its parents' support or where for good cause shown it would be for the best interest of such child to be relieved from the provisions of this chapter, *Provided, further,* That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this chapter. It shall be the duty of the superintendent of the school district, if there be such superintendent, and if not, then the county superintendent of schools to hear and determine all applications of children desiring, for any of the causes mentioned here, to be exempted from the provisions of this chapter, and if upon such application such superintendent hearing the same shall be of the opinion that such child for any reason is entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reason for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application to the probate court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court, within ten days after its refusal by such superintendent, for which no fee to exceed the sum of One Dollar (\$1.00) shall be charged, and the decision of the probate court shall be final. An application for release from the provisions of this chapter shall not be renewed oftener than once in three months.

SEC. 3. That all acts and parts of acts in conflict with this Act be and the same are hereby repealed to the extent of such conflict.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 13.

(H. B. No. 118.)

AN ACT

AMENDING SECTION 1 AND SECTION 4 OF CHAPTER 54, SESSION LAWS, 1915.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 54, Session Laws, 1915 be and the same hereby is amended to read as follows:

Section 1. All school districts within the State of Idaho which do not maintain a four-year high school shall pay tuition for pupils of such district who have completed the course offered therein and who desire to attend high school in another district. If the two districts are in the same county, the amount of tuition, as hereinafter set forth, shall be transferred by the county superintendent from the district wherein the pupil resides to the district wherein he attends high school from the county school fund. If the two districts are in different counties, the county auditor of the county in which the pupil resides shall, on the written order of the county superintendent of that county, draw a warrant, in the amount directed, against the school fund of the said district and transmit the same to the county superintendent of the county in which the pupil attends school, who will immediately place the same to the credit of the proper district. Copies of the order above specified shall be transmitted to the county superintendent making it to the clerks of the boards of trustees of the districts in which the pupil resides and in which he attends school at the time the order is delivered to the county auditor. Payment of such high school tuition shall be judged a part of the necessary minimum expense of any district in applying special aid under Section 67, Chapter 159, Laws of 1911, as amended by Section 2, Chapter 13, Laws of 1912.

SEC. 2. That Section 4 of Chapter 54, Session Laws, 1915, be and the same hereby is amended to read as follows:

Section 4. Every high school within the State of Idaho subject to the general school laws of the State shall receive non-resident pupils upon the basis above set forth, except when it would work a hardship upon the high school district: *Provided*, That the county superintendent of public instruction shall be the judge of such cases subject to review by the State Board of Education: *And, Provided further*, That

high schools shall not be required to admit pupils who have not passed the eighth grade state examination or in some other manner established their fitness to enter said high school: *And Provided also*, That for the purposes of this chapter such high school work only shall be recognized as has been approved by the State Board of Education or by the county superintendent in accordance with the regulations of the said board.

SEC. 3. That all acts and parts of acts in conflict with this Act be and the same are hereby repealed to the extent of such conflict.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved Feb. 28, 1917.

CHAPTER 14.

(H. B. No. 271.)

AN ACT

TO REQUIRE CANAL COMPANIES OPERATING UNDER THE PROVISIONS OF AN ACT OF CONGRESS COMMONLY KNOWN AS THE CAREY ACT WHERE SUCH COMPANIES ARE NOT UNDER THE CONTROL, MANAGEMENT AND DIRECTION OF THE WATER USERS OF SUCH PROJECT OR THE ACTUAL OR ULTIMATE STOCKHOLDERS OF SUCH OPERATING COMPANY TO FILE WITH THE STATE BOARD OF LAND COMMISSIONERS FOR THEIR APPROVAL BEFORE ANY ASSESSMENT MAY BE LEVIED BY SUCH COMPANIES A STATEMENT OF PROPOSED EXPENDITURES, THE ACREAGE OR NUMBER OF SHARES OF STOCK AGAINST WHICH LEVIES ARE TO BE MADE FOR THE AMOUNT OF SUCH PROPOSED EXPENDITURES FOR MAINTENANCE, THE AMOUNT PER ACRE OR PER SHARE OF STOCK OF SUCH LEVY AND THE MANNER AND MEANS PROPOSED BY SUCH COMPANY OF COLLECTING THE SAME; PROVIDING FOR A HEARING BY SAID BOARD ON SUCH MATTERS; EMPOWERING SAID BOARD TO APPROVE OR REJECT OR CAUSE TO BE AMENDED SAID STATEMENT OF PROPOSED EXPENDITURES, ANY ITEMS THEREOF OR ANY MATTERS PERTAINING THERETO; PROVIDING FOR THE REVIEW BY THE SAID BOARD UPON PROPER COMPLAINT OF ALL MATTERS PERTAINING TO THE OPERATION OF IRRIGATION SYSTEMS UNDER THE CONTROL OF SUCH COMPANIES, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Every company or corporation operating, in

whole or in part, irrigation works constructed or used for the purpose of furnishing water to or re-claiming, in whole or in part, any land granted, segregated or set apart by the United States to the State of Idaho under the provisions of an Act of Congress commonly known as the Carey Act, where such operating company is under the control, direction or management of persons other than the actual stockholders thereof, or where a majority of the stock in such company is represented by persons other than the owners thereof, either by agreement or contract, or is represented by such persons as trustees for the actual owners thereof, or where settlers or water users under such system of irrigation have contracted for the purchase of the stock in such operating company, in all of such cases the operating company shall file with the State Board of Land Commissioners an itemized statement of tolls, assessments, water charges or other obligations alleged to be proper charges for the operation of said irrigation works and the maintenance thereof and proposed to be assessed against the water users of such project or the stockholders in such operating company, or both, together with a statement of the number of acres or the number of shares of stock, or both, against which assessments are proposed to be made for such proposed expenditures, the amount per acre or per share of stock, or both, proposed to be levied by such company to raise such amount and such other statement of the affairs of the company as may be required by said board to give said board all information necessary to review and pass upon the matters before it.

SEC. 2. The board shall direct the company to have published in a newspaper of general circulation deemed by the board most likely to reach the water users of such irrigation system a true copy of the statement submitted to the board by said company, and said publication shall include notice by the board of a hearing to be held by said board at a named time, date and place for the purpose of hearing any protests against said proposed expenditures, any portions thereof or any matters pertaining thereto.

SEC. 3. If after such hearing the board shall be satisfied that the expenditures proposed therein are necessary for the operation and maintenance of such irrigation works and are proper charges against the water users or stockholders of such system, or both, and the amount to be levied and the means

thereof is determined to be proper, the board shall approve such statement and such approval shall give the company the right to assess, levy or enforce a lien for the collection thereof; or the board may reject such statement, in whole or in part, and if in part, the operating company shall have the authority to levy assessments only for the collection of whatever portion thereof is approved by said board.

SEC. 4. All rules and regulations under which water is furnished by such companies shall be subject to review by said board, which said board may nullify or amend such rules and regulations or any portion thereof as said board deems expedient and wise to best serve the interests of the water users on such projects or the stockholders in such companies.

All acts of such companies, all matters pertaining to the operation of canal works under the control of such companies and all matters pertaining to the financial affairs of such companies shall be subject to the jurisdiction of said board, which shall have full power and authority to provide for hearings, pass upon and review all such matters and take whatever steps may be necessary to enforce its decisions.

SEC. 5. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1917.

CHAPTER 15.

(H. B. No. 32.)

AN ACT

DECLARING THAT THE CLEARING OF LANDS SITUATED IN THIS STATE SO AS TO RENDER SAME TILLABLE IS A MATTER OF PUBLIC BENEFIT; VESTING IN THE COUNTY COMMISSIONERS OF EACH COUNTY OF THIS STATE JURISDICTION, POWER AND AUTHORITY TO CREATE IMPROVEMENT DISTRICTS FOR SUCH PURPOSE, TO MAKE ASSESSMENTS AGAINST THE LANDS EMBRACED THEREIN AND TO DO OTHER THINGS NECESSARY TO RENDER THIS ACT EFFECTIVE; PROVIDING FOR THE CREATION OF SUCH IMPROVEMENT DISTRICT, THE CLEARING AND IMPROVEMENT OF THE LAND EMBRACED THEREIN, THE ASSESSMENT OF THE COST AND EXPENSE OF CLEARING

THE LAND AND IMPROVING SAME, AND THE COSTS AND EXPENSE OF SUCH IMPROVEMENT DISTRICT TO THE LANDS EMBRACED THEREIN; THE ISSUANCE AND SALE OF BONDS BASED ON SUCH ASSESSMENTS; THE APPOINTMENT OF COMMISSIONERS TO ADMINISTER THE AFFAIRS OF SUCH IMPROVEMENT DISTRICT; TO REQUIRE THE COUNTY ATTORNEY TO ACT AS LEGAL ADVISOR. TO REQUIRE THE COUNTY SURVEYOR TO DO SUCH WORK AS MAY BE NECESSARY IN THE ORGANIZATION OF SAID DISTRICT; AND PROVIDING FOR APPEALS; AND REPEALING CHAPTER 128 OF THE SESSION LAWS OF 1915, AS PASSED BY THE 13TH SESSION OF THE IDAHO LEGISLATURE, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any portion of a county requiring stumps removed from lands may be organized into a stumpage district, and when so organized such district shall be known and designated as "Stumpage District No. of the County of of the State of Idaho," shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, shall have perpetual succession and shall adopt and use a seal. The commissioners hereinafter provided for and their successors in office shall from the time of its organization of such stumpage district, have the power and it shall be their duty to manage and conduct the business and affairs of the said district and make and execute all necessary contracts for the stumping of any and all land in said district.

SEC. 2. For the purpose of the formation of such stumpage district, a petition shall be presented to the board of county commissioners of the county in which said proposed stumpage district is located, which petition shall set forth the object for the organization of the said district, shall designate the boundaries thereof and set forth therein approximately the number of acres of land to be stumped by the proposed stumpage system; and shall also contain the names of all the freeholders residing within said proposed district, so far as known, and the names and postoffice addresses of all owners and mortgagees of land within said proposed district, so far as known, and shall contain a description of the land sought to have the stumps removed therefrom. Said petition shall be signed by a majority of the owners of the land in said proposed district and shall pray that the same be organized under the provisions of this title.

Said petitioners shall, at the time of filing of the petition, file a bond with the board of county commissioners of the county in which said proposed district is located, running to the State of Idaho, in the penal sum of One Hundred Dollars (\$100.00), with two or more sureties, to be approved by the county commissioners, conditioned that they will pay all costs in said district for any reason same shall not be established.

SEC. 3. After filing said petition with the board of commissioners, the said board shall thereupon fix a time for hearing said petition by order made by them, which order shall provide the time and place said commissioners will hear said petition. A notice of said hearing must be served upon each one owning land in said proposed district, setting forth the time and place of hearing said petition.

SEC. 4. Upon the hearing of said petition, as set forth in the last preceding section, said county commissioners of said county in which the said proposed stumpage district is located, if they find said proposed stumpage district shall be a benefit to the majority in acreage of the lands included in the petition, shall declare said district duly organized, to be known as "Stumpage District No. of the County of, State of Idaho," and within ten (10) days thereafter shall appoint three stumpage commissioners.

The commissioners shall be appointed from among those owning land in the proposed district.

The clerk of said county commissioners shall cause a copy of the order declaring said district to be organized, duly certified, to be filed in the county recorder's office of the county in which the said proposed district is organized, and from and after the date of said filing said organization shall be deemed complete.

The board of stumpage commissioners appointed as afore-said shall be entitled to enter upon the duties of their office upon qualifying as county officers are required to qualify, and upon each stumpage commissioner giving a bond to the State of Idaho, for the benefit of said stumpage district, for the faithful performance of his duties as such commissioner, in the penal sum of One Thousand Dollars, with one or more sureties, to be approved by the said board of county commissioners. The stumpage commissioners shall take the oath of office and file their bonds within fifteen days after they

are appointed, and they shall hold office until their successors are duly appointed and qualified.

Each stumpage commissioner thereafter who may be appointed shall enter into a like bond of like effect upon entering upon his duties, which bond shall be approved by the county commissioners.

The bonds of the stumpage commissioners shall be filed and kept in the county recorder's office.

In case said district be not established, then all costs and expenses shall be collectable on the bonds hereinbefore provided for, and any person having a charge against said district shall have a right of action thereon.

SEC. 5. Immediately after their appointment and their bonds have been filed and approved, the stumpage commissioners shall organize themselves into a board, and they shall by lot determine the terms of their office, which shall be one, two and three years, respectively. Annually thereafter the county commissioners of the county said district is located in shall appoint one stumpage commissioner whose term of office shall be three years.

SEC. 6. The board of commissioners of such district shall elect one of their number chairman and one secretary and shall keep minutes of all their proceedings, and may issue warrants of such district in payment of claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw interest at seven per cent per annum from the date of issue. They must be signed by the chairman and attested by the secretary of said board; *Provided*, That no warrant shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

SEC. 7. The stumpage commissioner shall hold their meeting for the transaction of business at any place in the county in which the district is located, and shall receive for their services the sum of Three Dollars per day each and their necessary traveling expenses for each day they shall actually be engaged in the business of their office. The stumpage commissioners shall present an itemized account, under oath, to the county commissioners of the amounts due them, respectively, which items shall be audited at any regular meeting

of said board of commissioners, and upon approval of the amounts, certified to be correct by said commissioners, warrants for said amounts against the stumpage district shall be issued in the usual manner, as other warrants are issued: *Provided*, That warrants issued under this section shall, in addition to the usual signatures, be countersigned by the chairman of the board of county commissioners approving said warrants.

SEC. 8. Said board of stumpage commissioners hereinbefore provided for shall have the exclusive charge of the stumping and clearing of said land in said district which heretofore has been or may be hereinafter organized under the provisions of this Act, and shall be the executive officers thereof with full power to bind such district by their acts in the performance of their duties as provided by law. In case a vacancy or vacancies occur in said board by death, failure to appoint, failure to qualify, by resignation or failure to perform duties of one or more of the members thereof, such vacancy or vacancies shall be filled at once by appointment by the county commissioners of the county in which said district is located, and said appointee shall serve for the unexpired term or until his successor is appointed and his bond approved.

SEC. 9. As soon as may be after the appointment of the commissioners of said district by the county commissioners the county surveyor of said county shall, for the purpose of compiling the data to be presented to the commissioners of said district, as set forth in the preceding section, make a survey, maps, estimate of costs of stumping and cleaning, also any other data that may be necessary or required by said commissioners without charge to said district.

SEC. 10. Upon application of the land owners by petition to the county commissioners for the organization of a stumping and cleaning land district, the county attorney of said county shall draw up all papers, such as contracts and form of warrants, and act as the legal advisor of all officers, doing all legal work necessary in perfecting said stumping district and proposed work without charge.

SEC. 11. If the stumpage commissioners shall find, after the investigation referred to, that the costs, expenses and damages are more than equal to the benefits that will be bestowed upon the lands to be benefited, they shall so report and the proceeding shall be dismissed. But if the stumpage commis-

sioners shall report that the whole costs of the works, including preliminary surveys and expenses, will be less than the benefits received therefrom, they shall so report to the board of county commissioners, and the county commissioners shall then make and enter an order fixing a time and place when and where all persons interested may appear and contest the confirmation thereof, and the clerk of the board of county commissioners shall cause notices of the time and place of said hearing to be given to all parties interested by mailing a notice to each land owner mentioned in the petition at least ten days before the day of hearing by depositing it in the United States postoffice, with postage prepaid.

SEC. 12. Upon the entering of the order confirming the assessment for benefits as hereinbefore provided for, the clerk of the board of county commissioners shall immediately prepare a transcript which shall contain a list of all lands which have been assessed to be cleared of stumps in said district and the cost per acre and shall certify the same to the recorder of the county in which said lands are situated, and said statement so certified shall specify the amount of the assessment upon each acre, parcel or governmental sub-division. The said county recorder shall thereupon enter such order of record and the same shall be notice of a lien by notice of said assessment to all persons. A similar transcript duly certified by the said clerk, which shall contain a list of the names of all persons and corporations benefited by said improvements and the amount of the assessment upon each acre, parcel or governmental subdivision shall be by said clerk filed with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in the list, together with the amount thereof. The same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes and shall be collected in the same manner as other taxes and subject to the same rights of redemption. The land sold for the collection of said taxes shall be subject to the same rights of redemption as lands sold for general taxes: *Provided*, That the said assessment shall not become due and payable except at such time or times and in such amounts as may be designated by the stumpage commissioners of said stumpage district, which designation shall be made to the county auditor by said stumpage

commissioners of said stumpage district by serving written notice upon the county auditor designating the same and the amount of the assessment, said assessment to be in proportion to the sums to become due and payable, which amount shall fall due at the time of the falling due of general taxes, and the amounts so designated shall be added by the auditor to the general taxes of said person, persons or corporation, according to said notice, upon the assessment rolls in his said office, and collected therewith: *And, Provided further,* That no one call for assessment by said stumpage commissioners shall be in an amount to exceed ten per cent. of the actual amount necessary to pay the cost of proceeding and the establishment of said district and the stumping of said land for each year after the commencement of said work of removing the stumps therefrom.

SEC. 13. In order to establish a stumpage district there must be not less than 160 acres of land to be cleared.

SEC. 14. As soon as may be after the organization of a stumpage district and the report of a county surveyor with maps have been received by the commissioners of said stumpage district, they shall proceed as soon as may be deemed expedient to let a contract for the stumping and clearing of said land in said district. *Provided,* That said contract shall be let to the lowest bidder: *Provided further,* That in case the whole or any portion of said land clearing is let to any contractor, said commissioners shall require the said contractor to give a bond equal to the amount of said contract so let, with two or more sureties, to be approved by the board of commissioners of said stumpage district and running to said district as obligee therein, conditioned for the faithful performance of said contract: *Provided further,* That said contractor shall pay or cause to be paid all just claims of all persons performing labor or rendering service in the stumping and clearing of said lands: *Provided further,* That the said contractor shall pay for all material, merchandise or provisions furnished of any kind or character and used by said contractor in the stumping and cleaning of said lands: *Provided further,* That no sureties on said bond shall be liable thereon unless the person performing said labor and furnishing said material, merchandise and provisions shall, within ninety days after the completion of said work, file their claim, duly verified that the same is just, due and unpaid, with the board of com-

missioners of said stumpage district: *Provided further*, No contract shall be let before a notice shall be published in a newspaper in said county, at least in two issues of said paper, asking for bids for said work.

SEC. 15. During the construction of said improvements, said stumpage commissioners shall have the right to allow payments thereof in installments, as the work progresses, in proportion to the amount of work completed: *Provided*, That no allowance or payment shall be made for said work to any contractor or sub-contractor to exceed seventy-five per cent of the proportionate amount of the work completed by such contractor or sub-contractor, and twenty-five per cent of the contract price shall be reserved at all times by said stumpage commissioners until said work is wholly completed and shall not be paid, upon the completion of said work, until ninety days have expired for the presentation of all claims for labor performed and materials furnished or used in the stumping of said land. Upon the completion of said work and the payment of all claims hereinbefore provided for, according to the terms and conditions of said contract, said commissioners shall accept said work and pay the contract price therefor.

SEC. 16. Upon the establishment of any stumpage district under the provisions of this title and the establishment of a system of stumping lands therein as provided for in this title, the board of stumpage commissioners of such district are hereby authorized to issue coupon bonds to pay for the total cost of the work and improvements incurred or to be incurred, or, of the part of the work and improvements assumed or contracted for or to be assumed or contracted for, together with the costs of the organization of said district and the establishment thereof, including damages assessed and compensation made or to be made to the landowners for expense and costs of the entire proceedings, payable at a time not less than five years nor longer than twenty years from the date thereof. Such stumpage commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district. In case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds and upon a call of such outstanding obligations to be issued by him. Such call shall be

made by the treasurer immediately upon the receipt of the proceeds from the sale of said bonds, by publication for two weeks in a newspaper published in the county wherein said district is situated, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: *Provided*, That no bonds shall, under the provisions thereof, be sold for less than par value.

SEC. 17. Said bonds shall be numbered from one upwards, consecutively, and be in denomination of not less than One Hundred Dollars nor more than Five Hundred Dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years nor less than five years from the date of their issue and bear interest at a rate not exceeding six per cent per annum, interest payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of stumpage commissioners and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond but not to the coupons.

SEC. 18. Five years after said bonds have been issued the stumpage commissioners of said district issuing them are hereby authorized and required annually to levy an assessment sufficient to liquidate said bonds at maturity. Such assessment shall be collected by the official whose duty it is to collect taxes and kept as a separate fund for the sole purpose of liquidating said bonds in accordance with the provisions of the following section.

SEC. 19. It shall be the duty of the county treasurer of any county in which there may be a stumpage district issuing bonds under the provisions of this chapter, whenever he has upon hand two thousand dollars of the special fund for the payment of said bonds and when said bonds shall have run for a period of five years, to advertise in a newspaper for the presentation to him for payment of as many of the bonds issued under the provisions of this chapter as he is able to pay with the funds, to be paid in numerical order of said bonds, beginning with the bond number one, until all of said bonds are paid: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said bonds said bonds shall cease to bear interest.

SEC. 20. It shall be the duty of such stumpage commission-

ers annually to levy an assessment against the land sufficient for the payment of the coupons hereinbefore mentioned as they fall due. Said coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this title, and when presented to the county treasurer after they are due the said treasurer must pay same out of the fund taking up said bonds and cancel the same, after which the same must be delivered over to the stumpage commissioners.

SEC. 21. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond register, in which register he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall, in all cases, be paid by the purchaser thereof to the county treasurer.

SEC. 22. All warrants issued under the provisions of this title shall be presented by the holder thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereof, in case of non-payment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this title until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer from time to time, when he has sufficient funds in his hands for that purpose, to advertise in a newspaper for the presentation to him for payment of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants said warrants shall cease to bear interest.

SEC. 23. Every person or corporation feeling himself or itself aggrieved by the assessment for benefits may appeal to the district court of said county in which said improvement district is located in the manner provided by law for appeals from any order of the county commissioners. Such appeal shall bring before the district court the justice of assessment of benefits in respect to the parties to the appeal.

SEC. 24. That Chapter 128 of the Session Laws of 1915, as passed by the 13th Session of the Idaho Legislature and approved March 15, 1915, is hereby repealed.

SEC. 25. An emergency existing therefor, this Act shall

take effect and be in force from and after its passage and approval.

Approved March 2, 1917.

CHAPTER 16.

(S. B. No. 111.)

AN ACT

AMENDING SECTION 2315 OF THE REVISED CODES OF IDAHO AS AMENDED BY CHAPTER 147 OF THE 1913 SESSION LAWS AND AS FURTHER AMENDED BY CHAPTER 44 OF THE 1915 SESSION LAWS, RELATING TO POWERS OF CITIES, TOWNS AND VILLAGES ISSUING MUNICIPAL COUPON BONDS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2315 of the Revised Codes of Idaho as amended by Chapter 147 of the 1913 Session Laws and as further amended by Chapter 44 of the 1915 Session Laws, be and the same is hereby amended to read as follows:

Section 2315. (a) Every city, town or village, incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time, in aggregate six (6) per per cent. of the assessed full cash valuation of the real estate and personal property in said city, town or village, according to the assessment of the preceding year, for any or all of the following purposes:

1. To provide for the laying, constructing, equipment and maintenance of sewers and drains.

2. To provide for the grading, paving, curbing, sidewalk-ing or otherwise improving streets and alleys, building or constructing of sewers, drains, grading, curbing, sidewalks, crossings and cross walks, or otherwise improving the intersections of streets and alleys, constructing and laying out of streets and alleys, and the construction or aid in construction of bridges, across streams within or contiguous to or within one (1) mile of the exterior limits of any such city, town or village.

3. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of such city, town or village.

4. To provide for the establishment and maintenance of hospitals, pest houses and cemeteries either within or without the corporate limits of such city, town or village.

5. To provide for the purchase, improvement, equipment and maintenance of lands for the use of public parks, either within or without the corporate limits of such city, town or village.

6. To provide for the purchase, erection, construction and furnishing of public buildings and building sites for the use of such city, town or village.

7. To provide for the establishment, equipment and maintenance of a fire department and for the purchase of suitable and necessary apparatus and buildings and building sites for the use thereof and for all other necessary public improvements.

Bonds may be issued under the third (3rd) subdivision of this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of any such city, town or village, when the same can be done to the profit and benefit of such city, town or village, and without incurring any additional liability without the submission of the question of issuance of such bonds to the electors of the city, town or village.

(b) Every city, town or village, incorporated under the laws of the Territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds in a sufficient amount to acquire, by purchase or otherwise, a waterworks plant for such municipality and a water supply therefor, and to construct, enlarge, extend, repair, alter and improve such plant. The issuance of bonds for the purposes aforesaid or any of such purposes, shall be authorized as provided in Section 2316 of the Revised Codes of Idaho 1909, and acts amendatory thereof, and one or more bond elections may be called in the manner provided by said statute or amendatory acts, in order to submit to the qualified electors who are tax payers, the question as to whether bonds shall issue in such amount as the City Council, at the time such election is called, shall deem to be necessary for the purposes aforesaid or any of them. All bonds authorized at any municipal election heretofore held as provided in said Section 2316 or acts amendatory thereof, for the purpose of acquiring an adequate water system, by purchase or otherwise, by ac-

quiring additional water and by enlarging, extending, repairing, altering and improving any municipal waterworks plant, shall be deemed to have been authorized for all or any of the purposes for which such bonds may hereafter be issued under this Act, and all such bonds which, at such an election have been heretofore authorized, when issued and sold, are hereby declared to be legal and binding obligations of such municipality, provided all requirements of law have been fully complied with, and the same are hereby declared to be of like force and effect as if the municipality, at the time such election was called and held, had possessed all the powers herein granted and conferred.

(c) Every city, town or village, incorporated under the laws of the Territory of Idaho or of the State of Idaho, shall have power and authority to issue municipal coupon bonds in a sufficient amount to acquire, by purchase or otherwise, a light and power plant for such municipality.

The amount for which bonds may be issued for acquiring light and power plants, or either, as herein provided, shall be determined by the council or board of trustees and stated in the ordinance therefor.

SEC. 2. Whereas an emergency exists therefor, this Act shall be in force and effect on and after its passage and approval.

Approved March 3, 1917.

CHAPTER 17.

(S. B. No. 112.)

AN ACT

AMENDING SECTION 2238jj AS ENACTED AND ADDED TO THE POLITICAL CODE BY HOUSE BILL 171, CHAPTER 97 SESSION LAWS 1915 OF THE STATE OF IDAHO, AT PAGE 236, RELATING TO THE POWERS OF CITIES AND VILLAGES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2238jj as enacted and added to the Political Code by House Bill No. 171, approved March 15th, 1915, being Chapter 97 of the Session Laws of 1915, at Page 236, be, and the same is hereby amended to read as follows:

Sec. 2238jj. Acquire, by purchase or otherwise, water-works systems or plants, and also light and power plants, and construct, enlarge, extend, repair, alter and improve such plants or either of them, and to supply the municipality and the inhabitants thereof with water, light and power, or either, and to charge private persons and corporations therefor; to supply any excess light and power, or either, to persons (including municipal and private corporations) without the limits of the municipality, and to charge therefor; but all such charges, rates or revenues shall be reasonable and shall be uniform and equal to all alike and based upon the service supplied proportionately, without discrimination in favor of or against any person or persons whatsoever.

SEC. 2. Whereas, an emergency exists therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1917.

CHAPTER 18.

(S. B. No. 9.)

AN ACT

TO AMEND SECTION 213, REVISED CODES, RELATING TO THE FEES OF THE CLERK OF THE SUPREME COURT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Sec. 213 of the Revised Codes of Idaho is hereby amended to read as follows:

Sec. 213. The Clerk of the Supreme Court shall charge, demand and receive the following fees for services rendered in discharging the duties imposed upon him by law:

For filing transcript on appeal in each civil case appealed to the supreme court, twelve dollars, to be paid by appellant, such fee to be in full for all services rendered or to be rendered in filing papers, entering orders or judgments, recording opinion, issuing process and sending down remittitur, unless after the decision of the court has been rendered a petition for rehearing be presented, when a fee of five dollars shall be paid by the petitioner for filing such petition; for filing an application for any writ commencing an original action in said court, other than writs in habeas corpus or criminal proceed-

ings, ten dollars, to be paid by the party presenting the application, in full for all services rendered or to be rendered, as hereirbefore designated, unless after the decision of the court a petition for rehearing be presented, when a fee of five dollars shall be paid by the petitioner for filing such petition, for each certificate given at request, and under seal, fifty cents; for copy of record, opinion of the court or other paper, fifteen cents per folio for first copy, and an amount not to exceed twelve and one-half cents per folio, to be fixed by order of the court, for second or carbon copies; for certificate of admission, as an attorney including seal, oath and order, two dollars; for administering oaths or affirmations, including jurat, twenty-five cents; for taking an acknowledgment or proof of a deed or other instrument, including seal and writing of the certificate, fifty cents.

SEC. 2. In any case where transcript on appeal or complaint in an original action has been filed with the clerk of the Supreme Court before the going into effect of this act, and which proceeding was pending in said court at the time of this act becoming effective, the same fees shall continue to be charged and collected by the clerk for services rendered in such case as were prescribed by section 213, Revised Codes, before the amendment of said section by this act.

SEC. 3. Whereas, an emergency exists therefor, this act shall be in force and effect on and after its passage and approval.

Approved March 5, 1917.

CHAPTER 19.

(S. B. No. 95.)

AN ACT

TO AMEND SECTION 187 OF CHAPTER 159, SESSION LAWS 1911, AS AMENDED BY SECTION 21 OF CHAPTER 115, SESSION LAWS 1913, AND AS AMENDED BY SECTION 1 OF CHAPTER 57, SESSION LAWS 1915; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 187 of Chapter 159, Session Laws 1911, as amended by Section 21 of Chapter 115, Session Laws 1913, and as amended by Section 1 of Chapter 57,

Session Laws 1915, be, and the same hereby is, further amended to read as follows:

Sec. 187. It shall be the duty of the State Board of Education to prepare, or cause to be prepared, eighth grade examination questions to be used by the County Superintendents of the several counties of the State in the examination of applicants for eighth grade diplomas, and to prescribe the rules and the regulations for conducting all such examinations. All pupils shall be required to take such eighth grade examinations, which may be taken entire at the close of the eighth grade work, or the examination in each required subject may be taken in the grade in which the subject is completed, and only those pupils shall be entitled to pass, who shall obtain a general average of not less than eighty-five (85) per cent., and not falling below seventy (70) per cent. in any branch. Said examinations to be held in the county at such central points as may be designated by the County Superintendent, and there shall not be held to exceed three such examinations at the same point in any one (1) year, and the dates upon which such examinations shall be held shall be in January, April, and May, the exact dates in such months to be determined by the State Board of Education, and notice thereof given to the County Superintendents. All pupils passing such examination shall be granted a diploma by the County Superintendent of Public Instruction. No pupil under the age of fifteen years shall be permitted to enter the first year of any high school in the State of Idaho who has not passed the eighth grade examination satisfactorily and obtained his or her diploma; *Provided*: That Class A, Independent School Districts shall be exempted from the provisions of this section; and *Provided further*, that the above provisions may be modified by regulations of the State Board of Education to meet the needs of districts with special courses of study approved by the said Board.

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1917.

CHAPTER 20.

(H. B. No. 12.)

AN ACT

AUTHORIZING AN ADDITIONAL DISTRICT JUDGE FOR THE SEVENTH JUDICIAL DISTRICT, AUTHORIZING THE APPOINTMENT BY THE GOVERNOR OF THE SAID ADDITIONAL JUDGE TO HOLD OFFICE UNTIL THE NEXT GENERAL ELECTION FOR DISTRICT JUDGES, AND PROVIDING FOR THE FIXING OF THE TERMS OF COURT IN SAID DISTRICT, FIXING THE JURISDICTION OF THE RESPECTIVE JUDGES OF SAID DISTRICT AND THE HOLDING OF TERMS OF COURT THEREIN, REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That an additional district judge is hereby created and authorized for the Seventh Judicial District.

SEC. 2. That the Governor shall, upon the passage and approval of this Act, appoint such additional district judge for the Seventh Judicial District, to hold office until the next general election for district judges and until his successor is elected and qualified, and said judge shall receive the salary and perform the duties of a district judge for said district.

SEC. 3. The senior judge, in point of continuous service in said Seventh Judicial District, is hereby empowered to re-fix the terms of the District Court in the said Seventh Judicial District for the year 1917, and thereafter they shall be fixed as provided by law.

SEC. 4. The jurisdiction of the respective judges of said district shall be equal and co-extensive with the boundaries of the district and to the same extent as in the case of judges of other districts of this State, and the terms of court in the counties of said district may be so arranged that one or more courts shall be in session at the same time.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 6. An emergency existing therefor, which is hereby declared, this Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1917.

CHAPTER 21.

(H. B. No. 13.)

AN ACT

CREATING THE TENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO OF THE COUNTIES OF IDAHO, LEWIS AND NEZ PERCE; PROVIDING FOR THE APPOINTMENT OF A DISTRICT JUDGE THEREOF; RELATING TO ACTIONS AND PROCEEDINGS PENDING IN SAID COUNTIES, AND EMPOWERING THE JUDGE OF THE SECOND JUDICIAL DISTRICT TO REFIX THE TERMS OF COURTS THEREIN; AMENDING SECTION TWENTY-SIX OF THE REVISED CODES OF IDAHO, AS AMENDED BY CHAPTER TWENTY (20) OF THE LAWS OF IDAHO OF 1911, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Counties of Idaho, Lewis and Nez Perce shall constitute and comprise the Tenth Judicial District of the State of Idaho.

SEC. 2. The Governor shall, within ten (10) days after this Act becomes effective, appoint a judge of said district, who shall qualify as provided by law and who shall hold his office until the next regular general election for district judge and until his successor is elected and qualified.

SEC. 3. The said judge shall, within thirty (30) days after having qualified, appoint and fix the terms of court in the said Tenth Judicial District for the year 1917.

SEC. 4. All actions and proceedings pending in the District Court for Idaho, Lewis and Nez Perce Counties shall be continued, tried and determined in the Tenth Judicial District and by the judge thereof as if commenced therein.

SEC. 5. The Judge of the District Court of the Second Judicial District is hereby empowered to refix the terms of the District Court in the said Second District.

SEC. 6. Section Twenty-six (26) of the Revised Codes of Idaho, as amended by Chapter Twenty (20) of the Laws of Idaho of 1911, be and the same is hereby amended to read as follows:

Section 26. The State is divided into ten (10) judicial districts, which are hereby defined as follows:

The First District comprises the County of Shoshone.

The Second District comprises the Counties of Latah and Clearwater.

The Third District comprises the Counties of Ada, Boise and Owyhee.

The Fourth District comprises the Counties of Blaine, Cassia, Elmore, Gooding, Lincoln, Minidoka and Twin Falls.

The Fifth District comprises the Counties of Bannock, Bear Lake, Franklin, Oneida and Power.

The Sixth District comprises the Counties of Bingham, Custer and Lemhi.

The Seventh District comprises the Counties of Adams, Canyon, Gem and Washington.

The Eighth District comprises the Counties of Benewah, Bonner, Boundary and Kootenai.

The Ninth District comprises the Counties of Bonneville, Fremont, Jefferson, Madison and Teton.

The Tenth District comprises the Counties of Idaho, Lewis and Nez Perce.

SEC. 7. An emergency existing therefor, which is hereby declared, this Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1917.

CHAPTER 22.

(H. B. No. 38.)

AN ACT

TO AMEND SECTION 2238f OF THE REVISED CODES OF THE STATE OF IDAHO, AS ENACTED BY CHAPTER 97 OF THE 1915 SESSION LAWS OF THE STATE OF IDAHO, RELATING TO THE POWERS OF CITIES AND VILLAGES, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2238f of the Revised Codes of the State of Idaho, as enacted by Chapter 97 of the 1915 Session Laws of the State of Idaho, be and the same is hereby amended to read as follows:

Section 2238f. Assessments made under the provisions of Sections 2238c and 2238e shall be made, assessed and collected in the following manner:

1. The assessment of the cost and expense of any work or improvement provided for in Sections 2238c and 2238e, shall be assessed upon the abutting, contiguous and tributary lots and lands, and lots and lands included in the improvement district formed, each lot and parcel of land being separately assessed for the full debt thereof in proportion to the number of feet of such lands and lots fronting thereon or included in the improvement district, and in proportion to the benefits derived to such property by said improvement sufficient to cover the total cost and expense of the work to the center of the street.

2. The expense of all improvements in the space formed by the junction of two or more streets, or wherein one main street terminates in or crosses another main street, and also all street crossings or cross walks shall be paid by such city or village: *Provided, however,* That in the event such improvement is requested by petition of the resident owners of property subject to assessment, and such petition shall request that the cost of the improvement covered by this section be assessed against all the property in such improvement district in proportion to the benefits derived, and is signed by seventy per cent of the resident owners of property within such district subject to assessment, the council or trustees may in its discretion, assess such expense against all of said property in proportion to the benefits derived from such improvement, but the intention of the council or trustees to so assess said expense must be stated in the resolution or ordinance declaring its intention to make such improvement.

3. When any work or improvement mentioned in this section is done or made on one side of the center line of said alleys or public ways, the lots fronting on that side only shall be assessed to cover the expense of said work according to the provisions of this section.

4. The city council or trustees shall, before or during the grading, paving, or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass at a regular or special meeting, a resolution or ordinance declaring its intention to make such improvement, and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which said improvement is to be made, the general character of the proposed improvement, and the estimate of the cost of

the same, and that the cost of the same is to be assessed against the property abutting, fronting, contiguous or tributary (and included in the assessment district herein provided) on such street proposed to be improved, the method by which the expense of the improvement in the space formed by the intersection of streets is to be paid, and shall fix the time, not less than ten (10) days in which protests against said proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city in at least two (2) consecutive issues before the time fixed in such resolution for filing such protests, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protests against the proposed improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein provided, be filed on or before the date fixed for such filing, the council or trustees shall not proceed further with the work unless three-fourths (or in case there are only five (5) regular members of the council or trustees then four-fifths) of the members of said council or board of trustees shall vote to proceed with such work. If no such protest is filed, or if such protest is filed and three-fourths of the council or trustees shall vote to proceed with such work, the council or trustees shall proceed to consider the same and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance, a local improvement district shall be established to be called "Local Improvement District No.-----," which shall include all the property fronting or abutting on, contiguous or tributary to the street to be improved, between the points named in such resolution or ordinance to the distance back from such street, if platted in blocks to the center of the block; if platted in lots to the center of the lots; and if not platted, to the distance of one hundred twenty-five (125) feet. Such ordinance shall provide that such improvements shall be made and that the cost and expense thereof shall be taxed and assessed upon all property in such local improvement district which cost shall be assessed in proportion to the number of feet of such lands and lots fronting thereon, or abutting, contiguous or tributary thereto, and included in said improvement district and in proportion to the benefits derived by said improve-

ment; *Provided*, That the city council or trustees may expend from the general fund for such purposes such sums as, in their judgment, may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvement. The expense of establishing, building and repairing bridges in such city or village shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid by the city. When any work for improvement mentioned in this section is done or made on one side of the center line of said street, avenue or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expense of said work according to the provisions of this section. Whenever any expense or cost of work shall have been assessed on any land, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure.

Such suit shall be in the name of the city of----- (naming it) as plaintiff, and in any such proceedings where the court trying the same shall be satisfied that the work has been done or material furnished, which, according to the true intent of this section, would be properly chargeable upon the lots or lands through or by which the street, alley or highway improved or repaired may pass, a recovery shall be permitted, or a charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informalities, irregularities or defects in any of the proceedings of such municipal corporation or any of its officers.

5. Upon the passage of an ordinance as herein provided, or at such later time as the council or board of trustees may determine, the committee on streets, together with the city engineer, or other proper authority of such city, town or village, shall make out an assessment roll according to the provisions of said ordinance and shall certify the same to the council or trustees of such city, town or village.

6. Upon receiving the said assessment roll the clerk of such city, town or village shall give notice by three (3) successive publications in the official newspaper of such city, town or village that such assessment roll is on file in his office, the date of filing the same, and said notice shall state a time at

which the council or trustees will hear and consider objections to said assessment roll by the parties aggrieved by such assessments. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, within ten (10) days from the last publication provided herein, file with the clerk his objections, in writing, to said assessment.

7. At the time appointed for hearing objections to such assessment, the council or trustees shall hear and determine all objections which have been filed by any party interested to the regularity of the proceedings in making such assessment, and the correctness of such assessment, or of the amount levied on any particular lot or parcel of land, and the council or trustees shall have the power to adjourn such hearing from time to time and shall have power, in their discretion, to revise, correct, confirm or set aside such assessment and to order that such assessment be made de novo and such council or trustees shall pass an order approving and confirming such assessment as corrected by them, and their decision and order shall be a final determination of the regularity, validity and correctness of said assessment to the amount thereof levied on each lot and parcel of land.

8. Any person who has filed objections to such assessment, or reassessment as hereinbefore provided, shall have the right to appeal to the district court of the state and county in which said city or village may be situated.

9. Such appeal shall be taken by filing a written notice of appeal with the clerk of such city or village within ten (10) days after such assessment or reassessment roll shall have been approved and confirmed by the council or trustees, and said notice shall describe the property and the objections of such appellant to such assessment, and such appellant shall also file with the clerk of the district court aforesaid, within twenty (20) days from the approval and confirmation of such roll by the council or trustees, a copy of said notice of appeal, assessment or reassessment roll and proceedings thereof, certified by the clerk of such city or village, together with a bond to such city or village, conditioned to pay all costs that may be awarded against the appellant in such sum not less than Two Hundred Dollars (\$200) and with such security as shall be approved by the judge of said court and the case shall be docketed by the clerk of said court in the name of the person taking

the appeal against the city or village as "An appeal from assessments." Said cause shall then be at issue and have precedence over all civil cases pending in said court, except proceedings under the act relating to eminent domain by cities and towns, actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes, except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the Supreme Court, as in other causes. In case the assessment is confirmed, the fees of the clerk of the city or village for copies of the record shall be taxed against the appellant with other costs.

10. All such assessments shall be known as "Special Assessments for Improvements" and shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, to be placed on the tax roll for collection, subject to the same penalties and collected in the same manner as other city or village taxes.

11. Whenever the mayor, or council, or trustees of any city, or village shall under authority vested in them by any laws of this state, cause any street or avenue, or alley in such city or village, to be sidewalked, graded, curbed, planked, graveled, paved, guttered, sprinkled, lighted, repaired or macadamized, or any other local street improvements, provided for in Sections 2238c and 2238e, the cost and expense of which is chargeable to the abutting, adjoining, contiguous or approximate property, they may, in their discretion, provide for the payment of the costs and expenses thereof by installments instead of levying the entire tax of special assessments for such costs at one time, and for such installments, they may issue, in the name of the city or village, improvement bonds of the district, which shall include the adjoining, contiguous and approximate property liable to assessment for such local improvements payable in installments of equal amount each year, which bonds shall, by their terms, be made payable on or before a date not to exceed ten (10) years from and after the date of issue of such bonds, and shall bear interest not exceeding seven (7) per cent per annum, number of years for said bonds to run and the rate of interest thereon, within said limits, in each instance to be determined by the

city council or village trustees. Such bonds may be issued to the contractor constructing the improvement in payment thereof, or the mayor or council, or trustees, or other authorized officers of said city or village may sell the same at not less than their par value net, and pay the proceeds thereof to the contractor. If the council or trustees shall determine to issue and sell said bonds, they may, for the purpose of meeting the expense of making said improvements as the same are installed prior to the sale of said bonds, issue warrants against the improvement district, payable to the contractor or other proper person, upon estimates of the city or village engineer, bearing interest at the rate of not to exceed seven (7) per cent per annum, which warrants, together with the interest due thereon at the date of the issuance of said bonds, shall be redeemed and retired by the proceeds of the sale of said bonds. Such bonds shall not be issued in excess of the contract price and expense of such improvement, including engineering and other clerical service, advertising, cost of inspection, cost of collecting assessments, and interest upon warrants, if issued as aforesaid, and the installment coupons shall include interest on such installments to the maturity thereof. The bonds shall be of such denomination as the council or trustees shall deem proper.

When district bonds are issued under this section for improvements, the cost of which is by law charged by special assessment against specific property, the mayor and council, or trustees or other authorized officer, board or body, shall levy special assessments each year sufficient to redeem the installments of such bonds next thereafter maturing, but in computing the amount of special assessments to be levied against each piece of property liable therefor, interest thereon not exceeding seven (7) per cent per annum from the date of the issuance of said bonds until the maturity of the installments next thereafter maturing shall be included. Such assessments shall be made upon the property chargeable for the cost of such improvements, respectively, and shall be levied and collected in the same manner as may be provided by law for the levy and collection of special assessments for such improvements where no bonds are issued, except as otherwise provided by this section. But the basis of such assessment, whether upon such assessed valuation, frontage, or otherwise liable for such costs, shall be retained for the assess-

ment of succeeding installments of said bonds. Such bonds shall be numbered from one (1) upwards, consecutively, and each bond and coupon shall be signed by the mayor, or the chairman of the board of trustees, countersigned by the city or village treasurer, and attested by the clerk of such city, village or town; *Provided, however,* That such coupons may, in lieu of being signed have printed thereon the facsimile of the signature of said officers, and each bond shall have the seal of such city, town or village affixed thereto, and shall refer to the improvement district for the payment of which the same shall be issued. Each bond shall provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement and not otherwise. The owner of any piece of property liable for any special assessments may redeem his property from such liability by paying the entire assessment chargeable against his property, upon the city or village clerk having published a printed notice in the official newspaper of the city, town or village, for ten (10) consecutive days, or three (3) consecutive weekly issues, which notice shall state the time for payment to begin and the time for payment to close, the last day of said notice to be not less than thirty (30) days before the issuance of the bonds, or, after the issuance of the bonds, by paying all the installments of the assessments which have been levied and also the amount of the unlevied installments with interest on the latter at the rate of seven (7) per centum per annum from the date of the issuance of the bonds to the time of the maturity of the last installment. In all cases where installments of the assessments are not yet levied and paid as above provided, whether before or after the issuance of the bonds, the same shall be paid to the city clerk, who shall receipt therefor, and all sums so paid shall be applied solely to the payment of the cost and expense of such improvements or the redemption of the bonds issued therefor. When any piece of property has been redeemed from liability for the costs of any improvements herein provided, such property shall not thereafter be liable for further special assessments for the cost of such improvements except as hereinafter provided.

NO suit to set aside the special assessment or to enjoin the making of the same shall be brought, nor any defense to the validity thereof be allowed after the expiration of thirty (30)

days from the time the amount due on each lot or piece of ground liable for such assessment is ascertained or confirmed by the council or trustees. The funds arising by such assessment shall be applied solely towards the redemption of said bonds.

The city treasurer or other authorized officer of such city, town or village shall pay the interest on the bonds authorized to be issued by this chapter out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this chapter, over and above the amount sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds, which shall be called and paid in their numerical order: *Provided*, That such call shall be made by publication in the city official newspaper on the day following the delinquency of any installment of the assessment or as soon thereafter as practicable and shall state that bonds No.---- (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on said bonds shall become due, and interest upon said bonds shall cease upon such date: *Provided further*, That in all cases where special improvement bonds of definite maturities have heretofore been issued under any of the provisions of this chapter in payment of any special assessments or improvements, upon which the city or village has heretofore or may hereafter default in the payment of principal or interest, by reason of such bonds being of definite maturities, or where any bonds issued under this chapter have been or may hereafter be declared invalid or void by order or decree of court, which may be legally reissued, the council or trustees, or other authorized officers of such city or village, shall, by ordinance, provide for the reissuance thereof at the same rate of interest and in such amount as will cover the principal and interest due on said bonds, and the ordinance providing for such reissue shall provide for the surrender and cancellation of such bonds upon which there has been a default, or which have been declared invalid or void and the lien created by the levy of such assessment or assessments as herein provided shall not be deemed to have been lost or waived by such reissue but shall remain in full force and effect.

12. Said bonds, when issued to the contractor constructing the improvements in payment thereof, or when sold as above provided, shall transfer to the contractor, or other owner or holder, all the right and interest of such city or village in and with respect to every such assessment, and the lien thereby created against the property of such owners assessed as shall have not availed themselves of the provisions of this section in regard to the redemption of their property as aforesaid, shall authorize said contractor and his assigns, and the owners and holders of said bonds to receive, sue for and collect, or have collected such assessment embraced in any such bond or through any of the methods provided by law for the collection of assessments for local improvements.

And if the city shall fail, neglect or refuse to pay said bonds, or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessments and foreclose any lien thereon in any court of competent jurisdiction, and shall recover, in addition to the amount of such bonds and interest thereon, five (5) per centum, together with costs of such suit including a reasonable sum for attorney's fees.

Any number of the holders of such bonds for any single improvement may join as plaintiff, and any number of holders of the property on which the same are a lien may be joined as defendants in such suit. And such bonds shall be equal liens upon the property for the assessments represented by such bonds without priority of one over another to the extent of the several assessments against the several lots and parcels of land.

In all cases of special assessments for local improvements of any kind against any property, persons or corporations whatsoever, wherein said assessments have failed to be valid in whole or in part for want of form or sufficiency, informality, irregularity or nonconformance with the charter provisions or laws governing such assessments, the city council or trustees or other authorized board or body shall be, and they are, hereby authorized to reassess such special taxes or assessments and to enforce their collection, in accordance with the provisions of law existing at the time the reassessment is made; *And it is further Provided, That, whenever, for any cause, mistake or inadvertence the amount assessed shall not be sufficient to pay the cost of the improvement made and enjoyed*

by owners of property in the local assessment district where the same is made, it shall be lawful, and the city council or trustees, or other authorized board or body, is hereby directed and authorized to make reassessments on all the property in said local assessment district sufficient to pay for such improvement, such reassessment to be made and collected in accordance with the provisions of the law or ordinance existing at the time of its levy.

13. Nothing shall be construed as repealing or modifying any existing manner and method for cities of the first class, or those organized under special or local laws, to make improvements as hereinbefore provided for, but shall be construed as an additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements, payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner and with the effect provided in this section, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

14. The holder of any bond issued under the authority of this section shall have no claim therefor against the city or village by which the same is issued, in any event, except for the collection of the special assessment made for the improvement for which said bond was issued, but his remedy, in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this subdivision shall be plainly written, printed or engraved on the face of each bond so issued.

15. All contracts which are made by the city or village for any improvements authorized by this chapter or any subdivision thereof, shall be made by the council or trustees in the name of the city or village upon such terms of payment as shall be fixed by the city or trustees and shall be made with the lowest and best responsible bidder upon sealed proposals, after public notice in the official newspaper of the city or village for ten (10) consecutive days or three (3) consecutive weekly issues, which notice shall contain a general description of the kind and amount of work to be done, the material to be furnished, as nearly accurate as practicable, and shall state that the plans and specifications for said improvement work are on file in the office of the city engineer or city clerk.

16. Each contractor shall be required to give a good and sufficient bond to the city or village, to be approved by the city council or village board of trustees for the faithful performance of the contract.

SEC. 2. Whereas, an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 12, 1917.

CHAPTER 23.

(H. B. No. 62.)

AN ACT

PROHIBITING PRICE DISCRIMINATION IN THE PURCHASE OR RE-SALE OF AGRICULTURAL PRODUCTS SOLD UNDER RECOGNIZED STANDARDS AND GRADES; FIXING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is hereby made unlawful for any person, firm, corporation or other organization to discriminate between different sections, localities, communities or cities of this State in the purchase or re-sale of agricultural products, either in the raw or manufactured state, when such products are purchased or sold under recognized standards and grades after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase in the raw state to the locality of manufacture, or from the locality of manufacture to the locality of sale.

SEC. 2. All the books, papers and other records of every person, firm, corporation or other organization engaged in the business of buying or selling farm products, shall be subject to inspection by the Director of Farm Markets of this State or by his deputy, if it shall appear to the Director of Farm Markets that there are reasonable grounds to believe that there has been a violation of this Act, and such person, firm, corporation or other organization shall, at such times as he shall prescribe, make such further verified returns having a bearing on the provisions of this Act as the Director of Farm Markets may prescribe.

SEC. 3. Whoever shall violate any of the provisions of

this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00) for each offense, and, if a corporation, may have its charter or permit to do business in this State forfeited.

SEC. 4. If any person, firm, corporation or other organization shall violate any of the provisions of this Act, upon complaint thereof by the Director of Farm Markets to the Attorney General, setting forth the violations of this Act complained of, it shall be the duty of the Attorney General to proceed in the name of the State of Idaho against such person, firm, corporation or other organization.

SEC. 5. No person shall disclose any fact or information obtained pursuant to or under the provisions of this Act except for the purpose of prosecuting or aiding in the prosecution of persons charged with the violation of the terms of this Act. And any person violating any of the provisions of this Section shall be guilty of a misdemeanor and punished accordingly.

SEC. 6. If any section, subsection, sentence, clause or phrase of this Act or as the same may be hereafter amended, is for any reason held to be unconstitutional by any court of competent jurisdiction, the validity of the remaining parts of this Act shall not thereby be affected or impaired.

SEC. 7. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 12, 1917.

CHAPTER 24.

(H. B. No. 63.)

AN ACT

AMENDING SECTION 6 OF CHAPTER 71 OF THE IDAHO SESSION LAWS OF 1915 RELATING TO THE DUTIES AND POWERS OF THE DIRECTOR OF FARM MARKETS BY ADDING TO SAID SECTION SEVEN ADDITIONAL SUB-DIVISIONS TO BE DESIGNATED AS SUBDIVISIONS "k," "l," "m," "n," "o," "p," AND "q," DECLARING THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT A MISDEMEANOR; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6 of Chapter 71 of the Idaho Session Laws of 1915 entitled, "An Act to Provide for the Creation of the Office of Director of Farm Markets, and Defining His Duties and Powers," be and the same is hereby amended by adding to said section the following subdivisions, to be designated as subdivisions "k", "l", "m", "n", "o", "p" and "q".

k. The business of marketing farm products in this State is hereby declared to be effected with a public interest and to be subject to regulation and control by the State.

1. After investigation and public hearing the Director may, from time to time, as far as practicable, establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products, by which their quantity, quality or value may be determined, and prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required upon receptacles for farm products for the purpose of showing the name and address of the producer or packer, the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto: *Provided*, That any standard for any farm product or receptacle therefor or any requirement for making receptacles for farm products now or hereafter established under authority of the Congress of the United States, shall forthwith, as far as applicable and practicable, be established or prescribed and promulgated by the Director as the official standard or requirement in this State: *Provided, further*, That no standard established or requirement for marking prescribed under this Act shall become effective until the expiration of six (6) months after it shall have been promulgated.

m. Whenever any standard for the grade or other classification of any farm product becomes effective under this Act, no person thereafter shall pack for sale, offer to sell or sell within this State any such farm product to which such standard is applicable unless it conforms to the standard, subject to such reasonable variations therefrom as may be allowed in the rules and regulations made under this Act; *Provided*, That any farm product may be packed for sale, offered for sale or sold without conformity to the standard or grade or other classification applicable thereto if it is not specifically

described as state graded or packed under state standard, in accordance with such regulations as the Director may prescribe.

n. Upon application of any owner or person, firm, corporation or association in charge of farm products, the Director is authorized to appoint, license or designate persons to inspect and classify such farm products and to certify as to the grade or other classification thereof, in accordance with the standards made effective under this Act, and shall fix, assess and collect or cause to be collected the fees for such services. Whenever, after opportunity for a hearing is afforded to any person appointed, licensed or designated under this section, it is determined by the Director that such person has failed to classify farm products correctly, in accordance with the standards established therefor under this Act, or has violated any provision of this Act or of the rules and regulations made hereunder, the Director may suspend or revoke the appointment, license or designation of such person. Pending investigation, the Director may suspend or revoke any such appointment, license or designation temporarily without hearing.

o. The owner or person in possession of any farm product classified in accordance with subdivision "n" of this Section of this Act may appeal from such classification to the Director, under such rules and regulations as the Director may prescribe, who shall issue a certificate of the grade or other classification thereof.

p. A certificate of the grade or other classification of any farm product issued under this Act shall be accepted in any court of this State as prima facie evidence of the true grade or other classification of such farm product at the time of its classification.

q. Any person, firm, corporation or other organization who violates any provision of this Section of this Act or of the rules and regulations made under this Act for carrying out the provisions of this section, fails or refuses to comply with any requirement of this section or who wilfully interferes with the Director, his agents or employees in the execution or on account of the execution of his or their duties under this section, shall be guilty of a misdemeanor.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 12, 1917.

CHAPTER 25.

(S. B. No. 108.)

AN ACT

TO PROVIDE FOR THE EXAMINATION AND AUDIT OF THE STATE LAND DEPARTMENT OF THE STATE OF IDAHO AND THE MAKING AND INSTALLING SUITABLE BOOKS OF ACCOUNT UNDER THE SUPERVISION AND DIRECTION OF THE STATE BOARD OF LAND COMMISSIONERS, MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES THEREOF: AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Auditor of the State of Idaho, under the supervision and direction of the State Board of Land Commissioners, is hereby authorized and directed to make or cause to be made, an examination and audit of the books and records of the State Board of Land Commissioners.

SEC. 2. It shall be the duty of the State Auditor, under the supervision and direction of the State Board of Land Commissioners, to make or cause to be made, an examination and audit of all books and records of the State Board of Land Commissioners, and all affiliated books and records of other departments of the State government in any way connected therewith, from the date of the admission of Idaho to statehood down to the first day of January, 1917; and to this end to make and install a new and complete set of books showing all the financial transactions of the State Board of Land Commissioners covering the period hereinbefore designated. The State Board of Land Commissioners shall, not later than the first day of April, 1917, proceed immediately to carry into effect the provisions of this Act. Said State Auditor is hereby empowered by and with the consent of the State Board of Land Commissioners, and not otherwise, to employ such reliable accountants at such salary or wage as may be agreed upon by the said State Board of Land Commissioners, for the purpose of carrying into effect the provisions of this Act. The immediate detailed work and procedure of such person or persons as may be employed in making the said audit and installing said books, shall be under the supervision of the State Auditor subject to such general orders said State Board of Land Commissioners may make governing the same. Said examination and audit shall be completed on or before July 1st, 1918, and a full and complete detailed report of the

findings of the State Auditor in relation to said examination and audit, shall be made in triplicate, and a copy thereof filed with the Governor of the State of Idaho, the Attorney General, the Secretary of State, and a comprehensive synopsis thereof shall be forthwith published for the information and benefit of the people of the State of Idaho, and a printed or typewritten copy of said report in full shall be furnished to the Speaker of the House of Representatives and to the President of the Senate of the Fifteenth Session of the Legislature of the State of Idaho.

SEC. 3. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Twenty Thousand Dollars (\$20,000) or as much thereof as may be necessary to pay the cost and expenses of carrying out the provisions of this Act.

SEC. 4. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 12, 1917.

CHAPTER 26.

(S. B. No. 57.)

AN ACT

PROHIBITING THE VIOLATION OF THE PROVISIONS OF ANY RULES OR REGULATIONS ADOPTED BY THE OWNERSHIP OR MANAGEMENT FOR THE ORDERLY AND HEALTHFUL CONDUCT OF ANY PARK, PICNIC GROUND, DANCE HALL, PLEASURE OR HEALTH RESORT, SANITARIUM OR BUILDING, OR GROUNDS OF ANY KIND OR DESCRIPTION TO WHICH THE PUBLIC HAS GENERAL ACCESS; DECLARING SUCH VIOLATION A MISDEMEANOR AND PROVIDING PENALTIES THEREFOR; PROVIDING FOR THE POSTING OF COPIES OF SUCH RULES AND REGULATIONS; GIVING JUSTICES OF THE PEACE JURISDICTION OF OFFENSES IN VIOLATION OF THIS ACT; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any person violating the provisions of any rules or regulations adopted by the ownership or management for the orderly and healthful conduct of any park, picnic ground, dance hall, pleasure or health resort, sanitarium or building, or grounds of any kind or description to which the public has general access, whether owned or operated by the

State, a county, a municipality, corporation, association, partnership or individual, shall be guilty of misdemeanor, and upon conviction thereof shall be fined in a sum not less than Ten Dollars (\$10.00), and not exceeding One Hundred Dollars (\$100.00), or imprisonment in the county jail not less than five days nor more than thirty days, or both, in the discretion of the court.

SEC. 2. It shall be the duty of the owners or managers of any park, picnic ground, dance hall, pleasure or health resort, sanitarium or building or grounds of any kind whatsoever, to which the public has general access, who desire to bring themselves under the provisions of the preceding section, to adopt reasonable regulations for the orderly and healthful conduct of such place, and to keep copies of said rules and regulations printed in plain English type posted in conspicuous places, upon or within the grounds and buildings governed by said rules and regulations. Unless copies of said rules and regulations are so posted, no conviction shall be had under the provisions of the preceding section.

SEC. 3. Justices of the Peace for the county in which the act complained of shall be committed, shall have jurisdiction of cases arising under Sections 1 and 2 of this Act, and appeals from the judgment of such Justice of the Peace shall lie to the District Court in such county in the same manner as is now provided by law, for appeals from judgments of Justices of the Peace in other cases of misdemeanor.

SEC. 4. An emergency existing therefor, this Act shall be in force and effect from and after the date of its passage and approval.

Approved March 13, 1917.

CHAPTER 27.

(H. B. No. 58.)

AN ACT

AUTHORIZING THE GOVERNOR OF THE STATE OF IDAHO TO FILL BY APPOINTMENT VACANCIES OCCURRING IN THE POSITION OF UNITED STATES SENATOR FROM IDAHO, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That whenever any vacancy shall occur in the

office of United States Senator from the State of Idaho by death, resignation or otherwise, the Governor shall have the power and is hereby authorized and empowered to fill such vacancy by appointment, and the person so appointed shall hold such office until such time as a United States Senator is regularly elected to fill such vacancy, at the next succeeding general election, and qualifies by virtue of such election: *Provided, however,* That in case a vacancy occurs in the position of United States Senator from the State of Idaho within thirty days of any general election, no election for United States Senator to fill said vacancy shall be held at such general election.

SEC. 2. Whereas, an emergency exists therefor, this Act shall be in force from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 28.

(S. B. No. 61.)

AN ACT

EMPOWERING CITY COUNCILS OF INCORPORATED CITIES AND VILLAGES TO GRANT LEASES BY ORDINANCE UPON VEINS, LODS OR OTHER MINERAL DEPOSITS UNDERLYING THE SURFACE OF TOWNSITES, WITH THE RIGHT TO MINE FOR AND EXTRACT THE SAME; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the corporate authorities of any city or incorporated village, whenever it has been determined or becomes probable that any of the property of the said city or incorporated town has become valuable by reason of any veins or lodes or other deposits of mineral underlying the said property, upon a vote of three-fourths of the members of said council or board of aldermen, shall have the right to grant a lease by ordinance in and to such minerals, with the right to mine for and extract the same, provided that the surface of said property shall be in no wise disturbed or interfered with. Such lease shall provide for such royalties and shall contain such other terms and provisions as to said council or board of aldermen may seem proper; but in no case shall any such lease be made for a greater period than twenty-five years.

SEC. 2. An emergency existing therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 29.

(S. B. No. 100.)

AN ACT

TO CLOSE THE OPEN SEASON FOR PURSUING, CAPTURING AND KILLING GAME BIRDS, GAME ANIMALS AND FUR-BEARING ANIMALS WITHIN CERTAIN BOUNDARIES WITHIN THE STATE OF IDAHO; CREATING A GAME PRESERVE TO BE KNOWN AS THE "BIG LOST RIVER GAME PRESERVE" AND DEFINING THE BOUNDARIES THEREOF; PRESCRIBING PENALTIES FOR THE VIOLATIONS OF THE PROVISIONS OF THIS ACT, MAKING POSSESSION EVIDENCE OF SUCH VIOLATION, REPEALING CONFLICTING ACTS AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The provisions of the Fish and Game Laws of the State of Idaho defining an open season for the hunting, pursuing and killing of certain game birds, game animals and fur-bearing animals and regulating the capture of such birds and animals shall not apply to the territory or area now known as the Sawtooth Addition to the Lemhi National Forest, comprising the watersheds of the North and East Forks of Big Lost River, Summit Creek and Wild Horse Creek and their tributaries, and a portion of the watershed of Antelope Creek in Custer and Blaine Counties, State of Idaho, and more particularly described as follows, to-wit: Beginning at the Northwest Corner of Township 4 North, Range 24 East B. M., thence North on the Range Line between Ranges 23 and 24 East, B. M., 14 miles; thence in a general westerly direction following the northern boundary of said Sawtooth Addition as surveyed, laid out, staked and marked upon the ground for a distance of approximately 40 miles, including irregularities, to the intersection of said north line with the east line of the Sawtooth National Forest on the Summit or watershed between the North Fork of Big Lost River and Sheep Creek and other tributaries of the East Fork of Salmon River near what will be, when surveyed, the Northeast Corner of Section 31, Township 8 North, Range 19 East, B. M.; thence along

said Divide or watershed between Big Lost River and Salmon River and their tributaries southwesterly, northwesterly and southwesterly to Ryan's Peak; thence in a general southeasterly direction along the Divide or watershed between Big Lost River and Wood River and their tributaries to a point at the intersection of said Divide or watershed and the Range Line between Ranges 22 and 23 East, B. M., near what will be, when surveyed, the Northeast Corner of Section 13, Township 3 North, Range 22 East, B. M., which is also the Southeast Corner of the Sawtooth National Forest; thence in a general easterly direction along the southern boundary of said Sawtooth Addition as surveyed, laid out, staked and marked on the ground, to the Range Line between Ranges 23 and 24 East, B. M., thence North 7 miles, more or less, along said Range Line to the place of beginning.

SEC. 2. For the better protection of game birds, game animals and furbearing animals, for the establishment of a breeding place therefor and for the preservation of the species thereof, the area described and embraced within the boundaries set forth, stated and defined in Section 1 of this Act, is hereby set aside and designated as a Game Preserve to be known as the "Big Lost River Game Preserve."

SEC. 3. It shall be unlawful for any person or persons at any time to hunt, trap, capture, pursue, chase, kill or destroy within the limits or boundaries of the Big Lost River Game Preserve any game birds whatsoever, including grouse, wild ducks, wild geese, pheasants, partridges, quail, prairie chickens, sage hens, swan, snipe, plover, eagle and turtle dove, of any species or any other game birds of any kind or description whatsoever, whether herein specifically enumerated or not, excepting hawks, crows, and magpies.

SEC. 4. It shall be unlawful for any person or persons at any time to hunt, trap, capture, pursue, chase, kill or destroy, within the limits or boundaries of the Big Lost River Game Preserve, any game or furbearing animals, including deer, elk, mountain goat, mountain sheep, ibex, antelope, caribou, moose, beaver, otter, martin, fisher, fox, and mink, or any other game, or furbearing animal of any kind or description whatsoever, whether herein specifically enumerated or not. *Provided, however,* that rabbits, badgers, weasels and skunks may be killed within said limits and boundaries by anyone, and that mountain lion, bear, lynx, wolverine, timber or prairie

wolves, coyotes and wild cats may be killed, destroyed or exterminated within the limits or boundaries of said Game Preserve by game wardens or persons authorized by game wardens to destroy such predatory animals, or by anyone when necessary for the protection of life or property.

SEC. 5. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined the sum of not less than \$100.00, nor more than \$500.00, or imprisoned in the County Jail for a period of not less than three months nor more than one year, or both such fine and imprisonment in the discretion of the Court may be imposed.

SEC. 6. Possession of any of the birds or animals, or of any part of any of the birds or animals, the killing of which is prohibited within the boundaries of the Big Lost River Game Preserve by this Act by any person within the boundaries of said Preserve shall be deemed prima facie evidence of a violation of the provisions of this Act.

SEC. 7. It is also recommended that all forest officers be appointed deputy game wardens to serve without pay within said described area, if such should meet with the approval of the forest officer in charge of the said Lemhi National Forest.

SEC. 8. This Act shall not be construed so as to in any way limit or prohibit the grazing of livestock upon the said Big Lost River Game Preserve.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 10. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 30.

(S. B. No. 118.)

AN ACT

TO AMEND CHAPTER 6 OF TITLE 7 OF THE POLITICAL CODE, OF IDAHO, BY ADDING THERETO A SECTION TO BE KNOWN AS SECTION 1053A, DEFINING THE DUTIES OF

THE TREASURER OF GOOD ROAD DISTRICTS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 6 of Title 7 of the Political Code of the State of Idaho, be and the same hereby is amended by adding thereto a section to be known as Section 1053A, which shall read as follows:

Section 1053A. The Treasurer of Good Road Districts shall have the care and custody of all moneys belonging to the district and shall receipt for the same and pay out the same upon warrants approved by the commissioners of the District, and not otherwise. He shall give a good and sufficient bond, in addition to his other bond required by law, in an amount equal to twice the probable amount of money that may come into his hands at any time and in no case shall it be less than the sum of twenty five hundred (\$2500.00) Dollars, which bond shall be in form and substance approved by the county attorney of the county in which such road district is located, and upon the approval of the same it shall be filed in the office of the Clerk of the Board of County Commissioners of said county.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall be in full force and effect upon its passage and approval.

Approved March 13, 1917.

CHAPTER 31.

(H. B. No. 254.)

AN ACT

TO PROVIDE FOR THE DIRECTORS OF IRRIGATION DISTRICTS ORGANIZED IN THIS AND ADJOINING STATES TO UNITE IN THE PURCHASE, ACQUISITION OR CONSTRUCTION OF AN IRRIGATION SYSTEM OR A DRAINAGE SYSTEM OR WORKS FOR THE IRRIGATION OR DRAINAGE OF THE LANDS WITHIN THE RESPECTIVE ADJACENT DISTRICTS; PROVIDING FOR A JOINT COMMISSION, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That one or more irrigation districts organized

under the laws of this State may unite with one or more adjacent irrigation districts organized under the laws of any adjoining state in the purchase or construction of an irrigation system or works for the irrigation of the land within said respective irrigation districts; and in such case said irrigation districts are hereby jointly granted the same power of condemnation as is now possessed by one district alone; and in such case the cost of purchase, acquisition or construction of such irrigation system shall be apportioned to each district in proportion to the acreage in each district for which water shall be provided and that such joint works shall be owned jointly in proportion to such respective acreage; that a joint commission not exceeding seven in number shall be chosen by the board of directors of the respective irrigation districts, the members of which shall be apportioned to each district as nearly as practicable in accordance with the acreage for which water shall be provided in each respective district; that said commission shall control and manage such joint works subject to the board of directors of the respective districts and each member of such commission shall hold office at the will of the board of directors of the district appointing him.

SEC. 2. Any irrigation district heretofore organized or hereafter to be organized may, whenever it appears necessary, proper or beneficial to drain any of the lands within said district, whether for the benefit of the lands actually requiring drainage or for the protection of other lands within said district, whether the irrigation works have been actually acquired or constructed or not, cause drainage canals and works to be constructed, and to this end such district shall in all respects have the same power and authority as is now conferred or may hereafter be conferred respecting irrigation, and all powers conferred upon irrigation districts under the laws of this State with respect to irrigation, including the joint commission and joint ownership of works, as provided by Section 1 of this Act, shall be construed to include drainage.

SEC. 3. An emergency existing therefor, this Act shall become effective from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 32.

(H. B. No. 270.)

AN ACT

AUTHORIZING THE UNITED STATES BUREAU OF FISHERIES TO CONDUCT FISH-CULTURAL OPERATIONS AND INVESTIGATIONS IN THE WATERS OF THE STATE; AUTHORIZING THE ERECTION BY SAID BUREAU OF RACKS, TRAPS OR OTHER OBSTRUCTIONS ACROSS ANY OF THE STREAMS OF THE STATE OF IDAHO FOR THE PURPOSE OF OBTAINING FOOD FISH FOR PROPAGATION; MAKING IT UNLAWFUL TO TAKE, KILL OR MOLEST FOOD FISH WITHIN TWO MILES BELOW ANY SUCH OBSTRUCTION; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The United States Bureau of Fisheries is hereby authorized to erect racks, traps or other obstructions across any of the streams in the State of Idaho for the purpose of obtaining salmon or other food fishes for propagation, and it shall be unlawful for any person or persons to injure or destroy any such rack, trap or other obstruction by any means whatever or to take, kill, destroy or molest any salmon or other food or game fishes within two miles below any such rack, trap or other obstruction across any of the streams within the State.

SEC. 2. The United States Commissioner of Fisheries and his duly authorized agents are hereby accorded the right to conduct fish-cultural operations and scientific investigations in the waters of this State in such manner and at such times as may be considered necessary and proper by the said commissioner or his agents.

SEC. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and any funds collected by way of fines for violation of the provisions of this Act shall be distributed as provided in the fish and game laws of this State.

SEC. 4. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 13, 1917.

CHAPTER 33.

(H. B. No. 324.)

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF A TEACHERS' RETIREMENT FUND BY THE BOARD OF TRUSTEES OF ANY INDEPENDENT SCHOOL DISTRICT EMPLOYING THIRTY OR MORE TEACHERS, AND TO PROVIDE FOR THE MANNER OF RETIREMENT OF SUCH TEACHERS IN THE EMPLOY OF SUCH SCHOOLS, THE USE OF SUCH FUND AND FOR THE MANNER AND METHOD OF ESTABLISHING AND CREATING SUCH FUND, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The board of trustees of any independent school district employing thirty or more teachers is hereby authorized to establish a Teachers' Retirement Fund and shall be authorized to pay out of such fund a sum not to exceed forty dollars per month to any male teacher sixty years of age or any female teacher fifty-five years of age: *Provided*, That any such male teacher to be eligible to such retirement shall have been actively engaged in teaching for thirty-five years, fifteen years of which, including the last ten, shall have been in said school district, and that any such female teacher shall have been actively engaged in teaching for thirty years, fifteen of which, including the last ten, shall have been in said school district: *Provided further*, That such board of trustees may, in its discretion, use all or any part of such fund for the purpose of obtaining old-age insurance for the benefit of any or all such teachers as are or may hereafter be entitled to retirement or to benefits under the provisions of this Act: *And Provided further*, That no such teacher shall be entitled to retirement or benefits as herein provided for unless such teacher shall have paid all assessments levied against him or her as hereinafter provided.

SEC. 2. The board of trustees of any such school district may also make provisions for such teachers as may become permanently incapacitated from teaching while in the service of such district: *Provided, however*, That the said beneficiary shall have served in said district for a period of not less than ten years.

SEC. 3. No teacher of any school district coming under the provisions of this Act who may, by making application

therefor or by action of the board of trustees, be entitled to receive the benefits from the Teachers' Retirement Fund or from any old-age insurance obtained by such board of trustees, as provided for in this Act, shall be entitled to receive such benefit while drawing a salary as a teacher in active service.

SEC. 4. The moneys for the use of the Teachers' Retirement Fund shall be obtained by a special levy upon said school district, such special levy, however, not to exceed one-tenth of one mill, and from gifts and bequests that may be made to said fund and from assessments paid by the employes of such districts which may be levied by the board of trustees of such district: *Provided, however,* That this Act shall not be construed as requiring the board of trustees of such district to levy an assessment against the employes of such districts for the purpose of creating or partly creating said fund, but that such levy against the employes of such district may be made by such board, in its discretion.

SEC. 5. The board of trustees of such school district having once established such retirement fund no act of such board thereafter shall vacate, set aside or abolish such fund, nor vacate the act of the board of trustees of such district adopting the plan of benefits provided for in this Act, nor shall such board of trustees have any power or authority after any such teacher may have once been retired under the provisions of this act to decrease the amount per month which such retired teacher at the time of such retirement is entitled to receive as provided for by the board of trustees of such school district.

SEC. 6. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 34.

(H. B. No. 380.)

AN ACT

TO AMEND SECTION 23 OF CHAPTER 124 OF THE SESSION LAWS OF 1911 AS AMENDED BY SECTION 3 OF CHAPTER 172 OF THE 1913 SESSION LAWS ENTITLED "AN ACT TO AMEND CHAPTER 124 OF THE SESSION LAWS OF 1911 OF

THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 1, 1911, RELATING TO THE CONTROL OF STATE BANKING INSTITUTIONS AND THE APPOINTMENT OF A STATE BANK COMMISSIONER; BY AMENDING SECTIONS 20, 21, 23, 30, 39 AND 44 OF SAID ACT; BY REPEALING SECTIONS 25 AND 26 OF SAID ACT; AND BY ADDING THERETO SECTIONS 91, 92 AND 93; AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH," AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 23 of Chapter 124 of the Session Laws of 1911 as amended by Section 3 of Chapter 172 of the 1913 Session Laws be and the same is hereby amended to read as follows:

Section 23. It shall be lawful for any savings bank to invest its savings deposits only as follows and not otherwise:

1st. In bonds or interest bearing notes or certificates of the United States, including bonds issued by Federal Farm Loan Banks.

2nd. In bonds or interest bearing evidence of indebtedness of this State.

3rd. In bonds or warrants or local improvement bonds or warrants of any city, town, county, school district or irrigation district of this State, issued pursuant to authority of law, but not exceeding fifty (50) per cent of the capital and surplus of any savings bank, shall consist of bonds or warrants of any one city, town, county, school district or irrigation district.

4th. In bonds or warrants of any state in the Union or any city, town, county, school or irrigation district of any such state that has not for three (3) years previous to such investment being made defaulted in payment of the interest on its legal funded debt, but not exceeding fifty (50) per cent of the capital and surplus of any such bank shall be invested in the bonds of any one state or of any county or municipality outside of this State.

5th. In notes or bonds secured by mortgage to such savings bank or by mortgage or deed of trust to any trust company under the laws of this State upon unincumbered real estate worth at least double the amount loaned thereon. Whenever buildings are included in the valuation of any real estate upon which a loan shall be made by such savings bank they shall be

insured by the borrower for the benefit of such savings bank in some reliable company and such policy of insurance shall be assigned to such savings bank, and it shall be lawful for such savings bank to renew such policy of insurance from year to year, in case the borrower neglects to do so, and charge the same to him.

6th. In real estate subject to the provisions of Section 38 of this Act, except that no savings bank hereafter established shall have more than fifty (50) per cent of its capital invested in the lot and building in which the business of such savings bank may be carried on.

7th. In dealing in exchange by purchasing and selling sight and time drafts and notes.

8th. While awaiting opportunity for the judicious investment of funds deposited with such savings bank to loan the moneys so deposited upon well secured commercial paper or upon the security of stocks and other securities not exceeding eighty (80) per cent of the cash market value thereof.

SEC. 2. Whereas, an emergency exists therefor, this Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 35.

(S. B. No. 48.)

AN ACT

GIVING ASSENT ON BEHALF OF THE LEGISLATURE OF THE STATE OF IDAHO TO THE PROVISIONS OF THE ACT OF CONGRESS, APPROVED JULY 11, 1916, ENTITLED: "AN ACT TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN THE CONSTRUCTION OF RURAL POST ROADS, AND FOR OTHER PURPOSES;" AUTHORIZING THE STATE HIGHWAY COMMISSION TO ENTER INTO ALL CONTRACTS AND AGREEMENTS WITH THE UNITED STATES GOVERNMENT RELATIVE TO CONSTRUCTION AND MAINTENANCE OF ROADS UNDER THE PROVISIONS OF SAID ACT OF CONGRESS; PLEDGING THE GOOD FAITH OF THE STATE OF IDAHO TO MAKE AVAILABLE FUNDS SUFFICIENT TO COMPLY WITH THE PROVISIONS OF SAID ACT OF CONGRESS; PROVIDING FOR THE EXPENDITURE OF SAID FUNDS AND FUNDS APPORTIONED TO THIS STATE UNDER SAID ACT OF CONGRESS UPON

HIGHWAYS COMPRISING THE STATE HIGHWAY SYSTEM;
AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Legislature of the State of Idaho hereby assents to the provisions of the Act of Congress, approved July 11, 1916, entitled: "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," 39th U. S. Statutes at Large, page 355.

SEC. 2. The State Highway Commission is hereby authorized to enter into all contracts and agreements with the United States Government relating to the survey, construction and maintenance of roads under the provisions of the said Act of Congress, to submit such scheme or program of construction and maintenance as may be required by the Secretary of Agriculture and do all other things necessary fully to carry out the co-operation contemplated and provided for by the said Act.

SEC. 3. For the construction and maintenance of rural post roads the good faith of the State is hereby pledged to make available funds sufficient to equal the sums apportioned to the State by or under the United States Government during each and all of the five years for which Federal funds are appropriated by Section 3 of the said Act and to maintain at its own expense the roads so constructed with the aid of funds so appropriated, and to make adequate provisions for the carrying out of such maintenance.

SEC. 4. All moneys accruing to the State Highway Fund and available for expenditure in the construction and maintenance of highways, and all Federal Post Road funds apportioned to this State under the said Act of Congress, shall be expended upon the highways comprising the State Highway System.

SEC. 5. An emergency existing therefor, this Act shall take effect and be in force from and after the date of its approval.

Approved March 14, 1917.

CHAPTER 36.

(S. B. No. 63.)

AN ACT

TO AMEND SECTION 133, 137, 140 AND 141 OF CHAPTER 58,

SESSION LAWS 1913, PAGE 123, BEING HOUSE BILL NO. 156, APPROVED MARCH 13, 1913, AND AMENDING SECTION 2121 OF THE POLITICAL CODE, REVISED STATUTES OF THE STATE OF IDAHO, AND AMENDING AN ACT OF THE 1909 SESSION LAWS OF THE STATE OF IDAHO, PAGE 22, BEING HOUSE BILL NO. 23, APPROVED FEB. 27, 1909, AND ENTITLED "AN ACT TO AMEND SECTION 2121 OF THE POLITICAL CODE, REVISED CODES OF IDAHO RELATING TO THE FEES OF THE CLERK OF THE DISTRICT COURT," AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 133, of Chapter 58, Session Laws of 1913, being House Bill No. 156, approved March 13th, 1913, be, and the same is hereby amended to read as follows:

Section 133. The property described in any delinquency certificate may be redeemed from tax sale by the owner thereof, or any party in interest, on or after the fourth Monday of January after, and within two years from the date of such delinquency certificate, by paying the amount of all delinquent taxes and penalties, as shown in such certificate, together with the interest accrued thereon into the County Treasury, as prescribed in this Act; *Provided*, That no person shall be permitted to redeem any property from sale for delinquent taxes of any year as shown by any delinquency certificates outstanding against the said property on the day when the time allowed by law for the redemption of such property from sale for delinquent taxes of any prior year, expires; and, *Provided, further*, That no person shall be permitted to redeem any property from sale for delinquent taxes of any year unless the said property has been redeemed from all sales for delinquent taxes of prior years; and, *Provided further, however*, That when the County is the owner of said certificate the same may be redeemed at any time prior to foreclosure by the said County.

SEC. 2. That Section 137, of Chapter 58, Session Laws of 1913, being House Bill No. 156, approved March 13, 1913, be, and the same is hereby amended to read as follows:

Sec. 137. In case of redemption of the property from tax sale is not made within two years from the date of the delinquency certificate, the owner of such certificate must not less than thirty (30) days nor more than ninety (90) days after the expiration of the time of redemption, commence an action in the District Court in the county wherein said property

is located, for the foreclosure of the tax lien, as provided in this Act, and in case such certificate is owned by the county, the County Auditor of such county must deliver the same to the County Attorney, taking his receipt therefor, who must forthwith institute proceedings in the name of the County Auditor as trustee for said county, for the foreclosure of the tax lien, as provided in this Act; *Provided, however,* That in the foreclosure of tax certificates, it shall be optional with the County Commissioners on their order whether or not certificates on property of the assessed value of Fifty (\$50.00) Dollars, or less shall be foreclosed. One or more delinquency certificates affecting the same or different pieces or parcels of property may be included in one action, even though the property affected by the delinquency certificate so included in one action may be owned by several and different persons.

SEC. 3. That Section 140, of Chapter 58, Session Laws of 1913, being House Bill No. 156, approved March 13, 1913, be, and the same is hereby amended to read as follows:

Sec. 140. In case the owner of any delinquency certificate fails to commence an action for the foreclosure of the tax lien within the time, as prescribed in this Act, such delinquency certificate shall be null and void, and shall be so noted upon the delinquency certificate and opposite the entry of the taxes in the assessment roll; *Provided, however,* That in the event of the delinquent tax certificates being owned by said County, and not foreclosed because of the valuation of said property, the certificate shall not be void until after the expiration of three years from the time when foreclosure proceedings might have been instituted on said certificate, during which time the county may institute proceedings for foreclosure at any time.

SEC. 4. That Section 141, of Chapter 58, Session Laws of 1913, being House Bill No. 156, approved March 13th, 1913, be, and the same is hereby amended to read as follows:

Sec. 141. The action prescribed in this Act for the foreclosure of a tax lien shall be in all respects similar, the necessary changes and substitutions being made, to an action for the foreclosure of a mortgage lien upon real estate. All persons claiming or appearing of record or otherwise to claim an interest in the property affected, or any part thereof, shall be made parties, and the manner and form of service of summons shall be the same as in other actions in the District Court; *Provided,* That when more than one delinquency certificate affecting the

same or different pieces of property are included in one action it shall be sufficient to serve on any necessary party only such part of the complaint as shall affect the property in which said party is interested. The complaint shall contain a concise statement of the cause of action as in other actions, but it shall not be necessary to state therein in detail the proceedings relating to the assessment and equalization of the property or the levy or delinquency of the taxes, but it shall be sufficient to recite that the plaintiff is the owner of the delinquency certificate, describing the same, and that the property has not been redeemed from the tax sale and that the delinquency certificate is still outstanding against such property. The decree, order of sale, issue of the Sheriff's Certificate of Sale, proceedings on redemption after the sale and the issue of the Sheriff's Deed shall be the same, as near as may be, as on the foreclosure of a mortgage lien on real estate. After judgment, Sheriff's sale, issuance of certificate of sale, and after the expiration of the period of redemption and the issuance of the Sheriff's deed, the title of the property sold vests in the purchaser of such sale and shall be absolute to the same extent as in a case of a sale on foreclosure of a mortgage lien on real estate.

SEC. 5. That Section 2121, of the Political Code, Revised Statutes of the State of Idaho, as amended by an Act of the 1909 Session Laws of the State of Idaho, page 22, and being House Bill No. 23, approved Feb. 27th, 1909, and relating to fees of the Clerk of the District Court, be, and the same is hereby amended to read as follows:

Sec. 2121. The Clerk of the District Court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

When a civil action is commenced in the District Court the plaintiff therein shall pay to the Clerk of said Court, for the County the sum of Seven (\$7.00) Dollars; *Provided*, That said amount does not include the State Stenographer's fee of Three (\$3.00) Dollars, which shall be paid by said plaintiff in addition thereto, and the defendant in any civil action commenced in the District Court shall, upon making an appearance in said action pay to the Clerk of said Court for the County the sum of Three (\$3.00) Dollars; *Provided, however*, That in any action instituted in the name of any

County Auditor, as Trustee for the County for the foreclosure of any tax lien, no State Stenographer's fee of Three (\$3.00) Dollars must be charged or received by the Clerk of the District Court.

Upon filing a cross-complaint in an action, the defendant so filing, shall pay to the Clerk of the Court in which filed, the sum of Three (\$3.00) Dollars. At intervenor upon making an appearance in any civil action in the District Court, shall pay to the Clerk of said Court for the County, the sum of Three (\$3.00) Dollars.

When an appeal is taken from an inferior court to the District Court, the party taking such appeal shall pay to the Clerk of the District Court, for the county, the sum of Five (\$5.00) Dollars.

When an appeal is taken from the District Court to the Supreme Court, the party taking such appeal shall pay to the Clerk of the District Court, for the County, for comparing and certifying printed transcript on appeal, if such certificate is required, the sum of Two (\$2.00) Dollars.

When a new trial in the District Court is granted, the party obtaining such new trial shall pay to the Clerk of the District Court for the County, the sum of Three (\$3.00) Dollars. In consideration of the aforesaid fees the Clerk of the District Court shall be required to perform all lawful services that may be required of him by any party thereto; *Provided*, that he shall not be required to prepare and furnish any certified copy of any file or record in an action except printed transcript or appeal, without additional compensation as hereinafter provided.

For filing and docketing abstract or transcript of judgment from another court, fifty cents (50c).

For issuing execution upon an abstract or transcript of judgment and filing same on return, fifty cents (50c).

For recording execution issued upon abstract or transcript of judgment, twenty cents (20c) per folio.

For taking affidavits, including jurat, twenty-five cents (25c).

For taking acknowledgments, including seal, fifty cents (50c).

For taking down testimony or depositions, including certificate and seal, for each folio, twenty cents (20c).

For filing and indexing designation of agent of foreign corporation, fifty cents (50c).

For filing and indexing notarial statement, fifty cents (50c).

For making copy of any file or record, by the clerk, and certifying same, the clerk shall charge and receive at the rate of twenty cents (20c) per folio for copy, and fifty cents (50c) additional for certificate and seal.

For certifying a prepared copy of any file or record, the clerk shall charge and receive at the rate of ten cents (10c) per folio and fifty cents (50c) additional for certificate and seal.

For all services not herein enumerated, and of him lawfully required, the Clerk of the District Court shall demand and receive such fees as are herein allowed for similar services.

All fees collected under the provisions of this Act shall be paid over to the County Treasurer, at the same time and in the same manner as other fees.

SEC. 4. An emergency existing therefor, this Act shall become effective on its passage and approval.

Approved March 14, 1917.

CHAPTER 37.

(H. B. No. 213.)

AN ACT

AMENDING SECTIONS 21 AND 22 OF AN ACT OF THE TENTH SESSION OF THE LEGISLATURE, APPROVED MARCH 11, 1909, ENTITLED, "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FISH AND GAME WARDEN, ETC", AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 21 of an act of the Tenth Session of the Legislature, approved March 11, 1909, entitled "An Act to Provide for the Appointment of a Fish and Game Warden, etc.," be and the same is hereby amended to read as follows:

Section 21. Upon the arrest and conviction of any person or persons for violating any of the provisions of the Fish and Game Laws of this State the whole of the fine, when collected,

except as provided in Section 22 of this Act, shall be paid to the Deputy Fish and Game Warden on the first day of each month and on the 15th day of each month be remitted by the State Fish and Game Warden to the State Treasurer, and shall, by the State Treasurer, be placed to the credit of the State Fish and Game Fund.

SEC. 2. That Section 22 of said Act be and the same is hereby amended to read as follows:

Section 22. Any Fish and Game Warden, appointed under the provisions of this Act, and any sheriff, deputy sheriff, constable, forest supervisor, ranger or guard, city marshal or police officer may, without warrant, arrest any person by him found to be violating any of the provisions of this Act and take such person before a justice of the peace, probate or municipal judge having jurisdiction, who shall, without delay, try and determine the matter and enter judgment according to the allegations and proof. Whenever any such arrest is made by a sheriff, deputy sheriff, constable, city marshal or police officer and a conviction had under the provisions of this Act any amount recovered, either by way of fines imposed or from the sale of goods or other property confiscated, shall be turned over to the officer making the arrest, and shall, by him, be turned into the county treasury as are other moneys collected by such officials.

SEC. 3. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 14, 1917.

CHAPTER 38.

(H. B. No. 319.)

AN ACT

TO CLOSE THE OPEN SEASON FOR PURSUING, CAPTURING AND KILLING OF GAME ANIMALS AND FUR-BEARING ANIMALS WITHIN CERTAIN BOUNDARIES WITHIN THE STATE OF IDAHO; CREATING A GAME PRESERVE TO BE KNOWN AS THE "SELWAY GAME PRESERVE" AND DEFINING THE BOUNDARIES THEREOF; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT; MAKING POSSESSION EVIDENCE OF SUCH VIOLATION; REPEALING CONFLICTING ACTS AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The provisions of the fish and game law of the State of Idaho defining an open season for the hunting, pursuing and killing of game animals or fur-bearing animals of this State and regulating the capture of such animals shall not apply to the area herein described, to-wit: Beginning at the confluence of the Old Man creek with the Locksaw river; thence up said Old Man creek and the west fork thereof to the summit of the Craggs Mountains at Snow Hill; thence on and along the crest of said Craggs Mountains to a point opposite the headwaters of Rhoda creek; thence down said Rhoda creek to its confluence with the north fork of Moose creek; thence down said north fork of Moose creek to its confluence with the Main Moose creek; thence on and up said Moose creek to the line between the State of Idaho and the State of Montana in the Lost Horse Pass; thence northerly on and along said line between the said States of Idaho and Montana to the Deep Creek Pass; thence in a direct line to Little Sand lake at the head waters of Storm creek; thence down Storm creek to its confluence with White Sand creek; thence down White Sand creek to its confluence with the Locksaw river; thence down the south bank of the Locksaw river to the mouth of Old Man creek and point of beginning, the area embraced therein being part of Idaho County or any county created therefrom within the State of Idaho.

SEC. 2. For the better protection of game animals, and fur-bearing animals, for the establishment of a breeding place therefor and for the preservation of the species thereof the area described and embraced within the boundary set forth, stated and defined in Section 1 of this Act, is hereby set aside and designated as a game preserve, to be known as the "Selway Game Preserve."

SEC. 3. It shall be unlawful for any person or persons at any time to hunt, trap, capture, pursue or kill game animals of any kind or description whatever within the limits or boundaries of the Selway Game Preserve.

SEC. 4. It shall be unlawful for any person or persons at any time to hunt, trap, capture, pursue or kill within the limits or boundaries of the Selway Game Preserve any of the following fur-bearing animals, to-wit: Beaver, otter, martin, fisher, fox or mink.

SEC. 5. Mountain lion, bear, lynx, timber or prairie wolf, wolverine, coyote and wildcat may be destroyed or exterminated within said Selway Game Preserve by game wardens or persons authorized by game wardens to destroy such predatory animals. And it is also provided that all forest officers be appointed deputy game wardens, to serve without pay, within said described area, and hunters of the United States Biological Survey be employed to hunt predatory animals, if such should meet with the approval of the forest officer in charge of said forest.

SEC. 6. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for a period of not less than three (3) months nor more than one (1) year, or both such fine and imprisonment, in the discretion of the court.

SEC. 7. Possession of any of the animals or of any part of any of the animals, the killing of which is prohibited within the Selway Game Preserve by this Act, by any person within the boundary of the said preserve shall be deemed prima facie evidence of a violation of the provisions of this Act: *Provided*, That persons who are bona fide and established residents within the said preserve may, with the knowledge of the game warden, have in their possession such animals which have been lawfully killed outside of the boundaries of the Selway Game Preserve.

SEC. 8. *Provided*, That it is not the intention of this Act to in any way limit or prohibit the grazing of livestock upon this preserve.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 10. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1917.

CHAPTER 39.

(H. B. No. 331.)

AN ACT

AMENDING SECTIONS 2343, 2356 AND 2358 OF THE POLITICAL CODE, REVISED CODES OF IDAHO RELATING TO SEWERAGE IMPROVEMENTS, AND REPEALING SECTIONS 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2354, 2355 AND 2357, POLITICAL CODE, REVISED CODES OF IDAHO, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho :

SECTION 1. That Section 2343 of the Political Codes of the State of Idaho be and the same is hereby amended to read as follows :

Section 2343. That the power and authority given by the preceding section hereof to construct and operate a sewer system and sewerage disposal works and levy a special assessment therefor and issue and dispose of special improvement bonds therefor shall be exercised by the mayor and council or chairman and board of trustees of the city, town or village installing such improvements.

SEC. 2. That Section 2356 of the Political Code of the State of Idaho be and the same is hereby amended to read as follows :

Section 2356. The council or board of trustees shall cause accurate profiles, maps, plans and specifications to be made of the lines of sewerage as actually built and constructed so as to show the location of the branches, nye branches, man-holes, lampholes, flushes and flushing tanks, the depth of the sewer, the size of the pipe used in connection therewith, and any other information that may be of value and convenience for future reference or information for the city, town or village, or its officer or officers.

SEC. 3. That Section 2358 of the Political Code of the State of Idaho be and the same is hereby amended to read as follows :

Section 2358. The council or trustees of such city, town or village shall have power to pass ordinances fixing the tolls, rents, rates, rules and regulations for the use of such sewer and sewerage system, where same is used by persons residing within or without the corporate lines of said city, town or village who may use the same or any part thereof or through

whose property the same may pass and who may desire the use thereof.

SEC. 4. That Sections 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2354, 2355 and 2357 of the Political Code of the State of Idaho be and the same are hereby repealed.

SEC. 5. Whereas, an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 14, 1917.

CHAPTER 40.

(H. B. No. 382.)

AN ACT

RELATING TO THE SALE AND DISPOSAL OF STATE LANDS WITHIN AN IRRIGATION DISTRICT AND EMPOWERING THE BOARD OF DIRECTORS OF AN IRRIGATION DISTRICT TO PURCHASE AND DISPOSE OF THE SAME, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any irrigation district organized or hereafter organized under the laws of the State of Idaho is hereby authorized and empowered to purchase state lands within the boundaries of such irrigation district from the State at the State sale of said lands and may sell and dispose of the lands so purchased at a price and upon terms to be determined by the board of directors of such district, and such sale shall be made at public auction at the office of the district upon the same notice as is required by law for sale of state lands by the State. Any irrigation district, as a purchaser of any state lands within the boundaries of such district, shall be entitled to the same rights as a private purchaser and a title so acquired by the district may be conveyed by deed executed and acknowledged by the president and secretary of the board of directors: *Provided*, That authority to so convey must be conferred by resolution of the board entered on its minutes: *Provided, further*, That in the sale by the State of state lands within an irrigation district under this Act the lands shall be offered in tracts or parcels of not more than 640 acres.

SEC. 2. That whenever a board of directors of any irrigation district deems it for the best interest of the district to purchase any state lands within such district the said board

shall determine what, if any, state lands it desires to purchase and shall pass a resolution to that effect, which resolution shall describe the lands the district desires to purchase and the amount of money required to be available for the purchase of the same, and the said board of directors is hereby authorized to issue bonds the proceeds of which are to be used in the purchase of said lands whenever authorized to do so by a two-thirds vote of the qualified electors voting at an election held for such purpose: *Provided, however,* That in case an appropriation is made by the State to any district the proceeds of which appropriation are to be used by such district in the purchasing of state lands within said district the submitting of said question to the qualified electors is not necessary and the board of directors of such district shall have authority to apply the appropriation so made to the purchase of such state lands.

SEC. 3. Before any lands shall be offered for sale within an irrigation district the State Board of Land Commissioners shall cause said lands to be appraised, showing the value of the lands exclusive of all benefits accruing to such lands by reason of the water rights and irrigation works acquired by the irrigation district, which appraisalment shall not be less than Ten Dollars (\$10.00) per acre, and said lands shall be offered for sale and sold for not less than Ten Dollars (\$10.00) per acre, and when lands are sold to other purchasers than the irrigation district the purchasers shall pay to the irrigation district within which said lands are situated, in cash, on the day of sale, all assessments levied and assessed, together with the penalties, as provided by law, to the same extent as though said lands had been held in private ownership at the time the assessments were made and said lands had been subject to such levies, taking a receipt in full therefor from the district, and shall deposit such receipt with the State Board of Land Commissioners before he shall be entitled to a certificate of purchase or patent of said land.

SEC. 4. In case an irrigation district shall become the purchaser of any state lands, as in this Act provided, which lands or any portion thereof are held by a lessee the district shall take the title to said lands subject to said lease, and the district shall not pay for the surface improvements made by such lessee, but whenever the district shall sell and dispose of said lands the said improvements shall be appraised and paid for in

the same manner as provided by law and the rules and regulations governing the State Board of Land Commissioners were the said State Board of Land Commissioners acting instead of the board of directors of said district.

SEC. 5. That the board of directors of any irrigation district, after a sale and disposal of any lands purchased under this Act, having contracts or evidence of lien on the lands so sold for the purchase price or any part thereof may use such contracts or evidence of lien and pledge the same to the United States or any contractor for the construction of any works necessary for the operation of the irrigation works of such district.

SEC. 6. All elections held under the provisions of this Act shall be in accordance with the laws governing elections authorizing the issuing of bonds by an irrigation district.

SEC. 7. All provisions of the law with reference to the sale and disposal of state lands under the general laws of the State not in conflict herewith shall apply to the sale of state lands under the provisions of this Act.

SEC. 8. An emergency existing therefor, which is hereby declared, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1917.

CHAPTER 41.

(H. B. No. 384.)

AN ACT

EMPOWERING AND AUTHORIZING CITIES AND VILLAGES AND IRRIGATION DISTRICTS WHERE CITIES OR VILLAGES ARE INCLUDED WITHIN IRRIGATION DISTRICTS, TO ENTER INTO CONTRACTS WHEREBY THE CITY OR VILLAGE MAY DISTRIBUTE IRRIGATION WATER WITHIN ITS PLATTED PORTION OR ANY PART THEREOF, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That cities and villages are hereby authorized and empowered to enter into contracts with irrigation districts and irrigation districts organized or hereafter organized under the laws of this State are authorized and empowered to contract with cities or villages which contract may provide that

the city or village may distribute irrigation water to the lands of such city or village within the platted portion of said city or village or any part thereof lying within the irrigation district.

SEC. 2. That where said contract has been entered into by such city or village it shall be the duty of the city or village authorities to certify on or before the first of August of each year the estimated cost of operating the works covered by such contract to the board of directors of the district in order that they may cover such cost in the maintenance and operation assessment levied on the third Tuesday in August of each year.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1917.

CHAPTER 42.

(S. B. No. 141.)

AN ACT

TO AMEND SECTION 3821 OF THE REVISED CODES OF IDAHO, AS AMENDED BY CHAPTER 52 OF THE SESSION LAWS OF 1913, BEING "AN ACT AMENDING SECTION 3821 OF THE REVISED CODES OF IDAHO, RELATING TO THE TERMS OF AND PLACES OF HOLDING THE SUPREME COURT; AND DECLARING AN EMERGENCY," APPROVED MARCH 4, 1913.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3821 of the Revised Codes of Idaho, as amended by Chapter 52 of the Session Laws of 1913, being "An Act amending Section 3821 of the Revised Codes of Idaho relating to the terms of and places of holding the Supreme Court, and declaring an emergency," approved March 4, 1913, is hereby amended to read as follows:

Section 3821. The Supreme Court, or any two of the justices thereof, may, by an order, fix the times for holding the terms of the Supreme Court, which shall not be changed oftener than once in each year, except as herein provided. At least five (5) terms shall be held annually; two terms at the seat of the state government, one term at the City of Lewiston, in Nez Perce County, one term at the City of Coeur d'Alene, and one term at the City of Pocatello, in Bannock

County. In case of epidemic, pestilence or destruction of court houses, the justices may hold terms of the Supreme Court provided by this section at other convenient places, to be fixed by a majority of said justices. Unless by agreement of parties, causes in which writs of error or appeals are taken to the Supreme Court of the State of Idaho from the counties of Kootenai, Shoshone, Bonner, Boundary, Benewah, or counties hereafter created therefrom shall be heard at Coeur d'Alene, and causes in which writs of error or appeals are taken to said Supreme Court from the Counties of Latah, Nez Perce, Clearwater, Lewis and Idaho, or counties hereafter created therefrom, shall be heard at Lewiston; and causes in which writs of error or appeals are taken to said Supreme Court from the counties of Lemhi, Custer, Teton, Jefferson, Madison, Fremont, Bonneville, Bingham, Bannock, Bear Lake, Franklin, Power, Oneida, Cassia, Twin Falls, Minidoka and the proposed county of Butte, or counties hereafter created therefrom shall be heard at Pocatello; and causes in which writs of error or appeals are taken to said Supreme Court from the Counties of Ada, Adams, Gem, Canyon, Washington, Owyhee, Boise, Lincoln, Elmore, Gooding, Blaine, or counties hereafter created therefrom, except the proposed county of Butte, shall be heard at Boise City; *Provided*, That in criminal cases, writs of error, habeas corpus, certiorari and appeals, may, on motion of defendant be heard before the Supreme Court either at the City of Lewiston or at Boise City, or at the City of Pocatello, or at the City of Coeur d'Alene.

SEC. 2. The Supreme Court is hereby authorized to use the funds appropriated for the Supreme Court, so far as necessary, from each respective fund to defray the additional expense, if any, of holding the additional terms of court at the City of Pocatello, as provided in this Act.

SEC. 3. Upon the passage, approval and taking effect of this Act, the Supreme Court shall refix the terms of court for the balance of the year 1917, and include the term of the Supreme Court to be held in the City of Pocatello.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 43.

(S. B. No. 193.)

AN ACT

TO CREATE A STATE LAW LIBRARY AT POCA TELLO, BANNOCK COUNTY, IDAHO; AUTHORIZING THE SUPREME COURT TO EXPEND FIVE THOUSAND DOLLARS FOR THE SUPPORT THEREOF; PROVIDING FOR THE APPOINTMENT AND QUALIFICATION OF THE CLERK OF THE DISTRICT COURT OF BANNOCK COUNTY AS DEPUTY STATE LIBRARIAN; PROVIDING FOR THE HOUSING OF SAID LIBRARY BY BANNOCK COUNTY; PROVIDING FOR THE CREATION OF A FUND TO BE KNOWN AS "THE SOUTH IDAHO LIBRARY FUND," TO BE FORMED FROM FEES OF ATTORNEYS AND NOTARIES PUBLIC WHO SHALL PRACTICE IN THE COUNTIES OF LEMHI, CUSTER, BUTTE, FREMONT, JEFFERSON, MADISON, TETON, BONNEVILLE, BINGHAM, BANNOCK, BEAR LAKE, POWER, ONEIDA AND FRANKLIN, AND THE APPROPRIATION OF SUCH FEES TO THE ESTABLISHMENT AND MAINTENANCE OF SAID LIBRARY UNDER THE DIRECTION OF THE SUPREME COURT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby established at the city of Pocatello, Bannock County, Idaho, a State Law Library and the Supreme Court of the State of Idaho is hereby authorized to expend in the establishment and maintenance thereof the sum of Five Thousand (\$5000.00) Dollars out of the State Law Library fund, now in the State treasury.

SEC. 2. Said library shall be properly housed by the County of Bannock at its expense: The Clerk of the District Court of said Bannock County shall be Deputy State Librarian and shall perform his duties as such without additional compensation. Such clerical assistance as may by the Supreme Court be deemed necessary in the care of said library shall be paid out of the fund hereby created. Such library and such librarian shall be subject to such rules and regulations as the Supreme Court shall from time to time make. Such Deputy Librarian shall give bond to the State of Idaho in penal sum of Three Thousand (\$3000.00) Dollars, the cost of such bond to be borne by the State of Idaho, conditioned upon the faithful discharge of his duties as such Deputy-librarian.

SEC. 3. All fees hereafter received by the State of Idaho from Notary Publics and Attorneys at Law, residing in the counties of Lemhi, Custer, Butte, Fremont, Jefferson, Madi-

son, Teton, Bonneville, Bingham, Bannock, Bear Lake, Power, Oneida and Franklin, and counties to be hereafter created therefrom or from any part thereof, shall be set apart and held by the State Treasurer to be expended for the use and benefit of said State Library, so established at Pocatello as aforesaid, under the order of the Justices of the Supreme Court.

SEC. 4. All laws of the State of Idaho with reference to the use and abuse of other State libraries of the State shall apply to the library hereby created.

SEC. 5. An emergency existing therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 44.

(S. B. No. 113.)

AN ACT

RELATING TO THE REGISTRATION OF ELECTORS, PROVIDING A METHOD OF REGISTRATION, DESIGNATING THE APPOINTMENT OF REGISTRATION OFFICERS, DEFINING THEIR DUTIES IN CONNECTION WITH REGISTRATION, PRESCRIBING PENALTIES FOR VIOLATION HEREOF AND REPEALING SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, AND 23 OF CHAPTER 92 OF THE SESSION LAWS OF IDAHO OF 1913 AND ALL OTHER ACTS OR PARTS OF ACTS COMING IN CONFLICT WITH THE PROVISIONS OF THIS ACT AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The board of county commissioners of each county of the State must, at its regular meeting in April, next preceding each general election, appoint a registrar for each election precinct in the county, who must be a qualified elector, resident of such precinct, and otherwise a proper person and qualified to perform the duties of such office, and such registrar may hold his office until his successor is appointed and qualified. When any registrar fails to act, or the office becomes vacant, the said board, if in session, must appoint another registrar; or if said Board is not in session, the chairman of the board must appoint; and should a registrar not be appointed, or from any cause, none should act, the electors

may, on the second Saturday of May at one o'clock p. m. next preceding of any general election to which this title is applicable, meet at the place in the precinct appointed by said board for the holding of such election, or should the board fail to appoint a place, then at the place where the last general election was held, and elect a registrar.

SEC. 2. The said board must, prior to the first day of May next preceding any general election, cause notice to be given for not less than fifteen days, by publication in some newspaper published in the county, if there be one, otherwise by at least three notices posted up in different parts of the county, one of which must be at the court house door, giving the names and general description of election precincts, the name of the registrar for each precinct, and the time during which registration may be made, which shall be, for every general election, during each Saturday including and from the first day of May, to and including the Saturday next preceding the primary election, when such registration books shall be closed until the Saturday following such primary election, when the same shall be reopened for registration of electors until nine o'clock p. m. on the Saturday next preceding the general election. At the time of or before giving such notice, the board must furnish to each registrar two books, one to be known as the "election registrar" for the registry of qualified electors, and the other for the registry of rejected applicants. Each of such books must be ruled and headed substantially as follows:

Number
Name of Elector.
Dates of Registration or Dates of Rejection.
Age
Where Born
Description of Residence.
Certificate of Naturalization. Exhibit—Yes or No.
Remarks.

At the same time the said board must furnish to the registrar the blank notices, certificates, oaths and all other blanks, books, and papers, needed and required to perform the duties of his or her office as such registrar.

SEC. 3. Before entering upon the duties of this office, each registrar must take and subscribe, before any officer authorized to administer oaths, the official oath required of all officers acting under the laws of the State of Idaho, which, when so taken and subscribed, must be by him filed with the clerk of the board of county commissioners, and said registrar may thereupon register his own name in the elector's register.

SEC. 4. He must also, prior to the time of commencement of registration, post notices in at least three public places in different parts of his precinct, most likely to give notice to the inhabitants thereof, giving the time, days and hours during, and the place at which he will be ready to receive and hear applications for registration, and he must thereafter, on the days named by him in said notice, be at the place designated, from the hours of nine o'clock a. m. to five

o'clock p. m. and from seven o'clock p. m. to nine o'clock p. m., and receive and register the names of all persons applying, who are, or will be on the day of election for which registration is made, entitled to vote thereat. He must, also, on any other day of the week, except holidays, during said time of registration, register any such elector who may find and apply to him at his place of registration, and he may, at any time or place during said time of registration, register any such elector of his precinct. He may, at any time, examine under oath any applicant as to his qualifications, and he must examine and permit any qualified elector of his county to examine any applicant for registration, either when such applicant is not known to the registrar to be a qualified elector, or when any such qualified elector challenges such applicant and specifies his cause of challenge.

When any applicant claims to be a naturalized citizen the production by him of his certificate of naturalization is prima facie evidence of citizenship. If he cannot produce such certificate, he must state, under oath, positively, the time when, and place and court where, he was naturalized; and he must by his own, or other testimony, make it satisfactorily appear to such registrar that he has been duly naturalized and that his certificate thereof has been lost, destroyed or is beyond his control and thereupon he must be deemed a citizen, and entitled to registration if otherwise qualified. All examinations before such registrar must be reduced to writing, when desired by such applicant, challenging elector or registrar. Such examination for any one applicant shall not exceed one-half hour, without the consent of the registrar. If any applicant refuses to answer all questions, give all information under his control, take all other oaths, and do all other acts and things required of him by law, his application must be rejected by the registrar.

The registrar must, before he registers any applicant, require him to take and subscribe the oath to be known as the "Elector's Oath," which is as follows:

ELECTOR'S OATH.

I do swear (or affirm) that I am a citizen of the United States, of the age of twenty-one years, or will be the _____ day of _____ A. D. 19____
(naming the date of the next succeeding election); that I have

(or will have) actually resided in this State for six months, and in this county for thirty days next preceding the next ensuing election (in case of any election requiring a different time of residence to make it); that I have never been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell my vote, or purchasing or offering to purchase the vote of another, or other infamous crime, without thereafter being restored to the rights of citizenship; that I will not commit any act in violation of the provisions in this oath contained; that I am not now registered or entitled to vote at any other place in this State; that I do regard the Constitution of the United States and the laws thereof, and the Constitution of this State and the laws thereof, as interpreted by the Courts, as the supreme law of the land; (when made before a judge of election add: "and I have not previously voted at this election,") so help me God.

(Signed) _____

Subscribed and sworn to before me this _____
day of _____ A. D. 19_____
Registrar of _____ Precinct, _____
County, Idaho.

When the registrar admits any one to registration he must enter, in the proper column of the "Elector's Register," the number, the name in full (except any middle name, which may be by initial), date of registry, age, place of nativity and residence of the elector so admitted. The residence must be so described by giving the house, street, ward, or part of the precinct he resides in, that it may be easily found; also it shall be stated, if a naturalized citizen, whether or not he produced his certificate, and the registrar may, in the column of remarks, add any pertinent notes.

He must also enter the names, with statements similar to the above, of all persons who are refused registration, in the books kept for that purpose, and therein state the reason of such refusal.

During the time between the last day of registration and the day of election each registrar must prepare for his "Elector's Register" two "check lists" of all the names registered by him, arranged alphabetically according to the surname, placing on the left of the name the same number it bears in the "Elector's Register," and on the right of the column of names, a blank column in which to indicate by the word "voted" when

the elector votes; said "check lists" must have a heading showing for what election it was prepared and used; they must be carefully prepared without inter-lineations, in legible writing or typewriting, certified and sworn to by the registrar, and, not later than the day next preceding the election, he must deliver to one of the judges of election of his precinct his "Elector's Register," and the register containing the names of those refused registration, and to each of the other two judges, who are not of the same political party, a copy of said "check lists," and such judges must, as the electors vote, write the word "voted" opposite their names in said "check lists," while the clerks of election keep the record of the electors voting as elsewhere provided in this title.

SEC. 5. All persons offering to vote at any election are subject to challenge, as provided by the election laws, but registration of any elector's name is prima facie evidence of his right to vote, and no person shall vote unless he is first registered.

Each registrar, after so preparing his "check lists," must arrange the "Elector's Oaths" taken before him in the order the names of the electors who took them appear upon the "check lists," and attach them together, putting the names under each letter in a separate package; and all such oaths, certificates and written testimony taken by the registrar, and the registrar books of electors and persons rejected, delivered to said judges, must all be transmitted, and other election returns, to the clerk of the board of county commissioners, who must preserve the same for at least one year.

SEC. 6. Each registrar must, twenty-five days previous to the day of the primary election and twenty-five days prior to the general election, notify the clerk of the board of county commissioners of his county of the probable number of tickets required for the precinct of which he is registrar, basing his estimate upon the number of registered electors, allowing a sufficient number for contingencies at each election.

SEC. 7. When a registered elector desires to remove his residence from a precinct where he is registered, he may, at any time before the registrar has closed his registration books, apply to such registrar to have his name stricken from the register, and the registrar must then strike the name of such elector from the register, and shall deliver to said elector a transfer certificate substantially in the following form, to-wit:

TRANSFER CERTIFICATE.

"This certifies that _____ was on the _____ day of _____, 19____, duly registered in _____ Precinct, in the County of _____ State of Idaho; and that at his own request his name has been this day erased from the official register of said precinct.

"Witness my hand this _____ day of _____, 19_____.

"Registrar of _____ Precinct, _____ County, Idaho.

Such transfer certificate shall entitle the elector named therein to be registered in any other precinct in the same county, if it be filed with the registrar of such other precinct at any time before the close of the last day of registration.

Any elector who has taken out a transfer certificate as in this section provided, may personally file the same with the registrar of the precinct in which he desires to register and vote, or he may send his transfer certificate to such registrar by registered mail. If the elector file his transfer certificate personally, he shall be treated as any other applicant for registration; if the elector send his transfer certificate by mail to the registrar, his name shall be entered in the official register and check lists; and on the check lists, opposite the name of each elector who has filed a transfer certificate personally, the registrar shall enter the words, "Registered by certificate," and opposite the name of each elector who has sent his transfer certificate by mail the registrar shall enter, "Registered by certificate by mail," and the registry number appearing upon the envelope in which the transfer was sent to him. Upon the day of election, when an elector registered by transfer certificate by mail offers to vote, the judges of election, or one of them, shall, before receiving and depositing the ballot, administer to such elector the same oath that is required to be taken before registrars by all electors applying for registration, and shall require such elector to exhibit the original registered letter receipt issued to him when he mailed his transfer certificate to the registrar, and the number on the check list opposite the name of such elector must correspond with the number on the registered letter receipt.

SEC. 8. Should any registrar at any time refuse to register

any applicant, such applicant may apply to the District Court, or the Judge thereof, for a writ of mandate to compel the registrar to register him, and the provisions of the Code of Civil Procedure in similar proceedings are applicable.

SEC. 9. The several registrars shall receive such compensation as shall be allowed by the board of county commissioners, which in no case shall exceed twenty-five cents for each name registered, and the compensation herein provided for shall be paid out of the current expense fund.

SEC. 10. That Section 1 of Chapter 92 of the Idaho Session Laws of 1913 and all other Acts and parts of Acts coming in conflict with any of the provisions of this Act be, and the same hereby are, repealed.

SEC. 11. An emergency existing therefor, which is hereby declared, this Act shall take effect and be in force immediately upon its passage and approval.

Approved March 15, 1917.

CHAPTER 45.

(H. B. No. 266.)

AN ACT

AUTHORIZING AND EMPOWERING ANY SHERIFF OR OTHER PEACE OFFICER TO SEARCH, WITH OR WITHOUT A WARRANT, ANY DEPOT, BAGGAGE ROOM, PREMISES, BUILDING, SACHEL, SUIT CASE, GRIP, TRUNK, RECEPTACLE OF ANY KIND, WAGON, AUTOMOBILE, CAR, BOAT OR VEHICLE OF ANY KIND WHEREIN OR WHEREBY, IN THE OPINION OF SUCH SHERIFF OR OTHER PEACE OFFICER, INTOXICATING LIQUORS ARE BEING CONCEALED OR TRANSPORTED IN VIOLATION OF THE LAWS OF THIS STATE; AUTHORIZING THE SEIZURE, CONFISCATION AND SALE OF ANY SACHEL, SUIT CASE, GRIP, TRUNK OR RECEPTACLE OF ANY KIND USED FOR THE UNLAWFUL TRANSPORTATION OR CONCEALMENT OF INTOXICATING LIQUOR; AUTHORIZING THE SEIZURE, CONFISCATION AND SALE OF ANY HORSES, WAGON, AUTOMOBILE, CAR, BOAT OR VEHICLE OF ANY KIND, EXCEPT PROPERTY OF COMMON CARRIERS, USED FOR THE UNLAWFUL TRANSPORTATION OF INTOXICATING LIQUOR; PROVIDING FOR THE DISPOSITION OF FUNDS RESULTING FROM THE SALE OF PROPERTY SO SEIZED, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Whenever a sheriff or any other peace officer

has probable cause to believe that intoxicating liquor is being transported or kept within the State of Idaho in violation of the law such sheriff or other peace officer is authorized and empowered to search, with or without a warrant, any depot, baggage room, premises, building, satchel, suit case, grip, trunk, receptacle of any kind, wagon, automobile, car, boat or vehicle of any kind wherein or whereby, in the opinion of such sheriff or other peace officer, intoxicating liquor is being concealed or transported in violation of the laws of this State.

SEC. 2. Any satchel, grip, handbag, suit case, trunk or other receptacle used within the State of Idaho with the knowledge of the owner thereof for the purpose of transporting or concealing intoxicating liquors within the State of Idaho in violation of any of the provisions of the laws of Idaho relating to intoxicating liquors shall, upon the arrest of any person found using the same in the manner hereinbefore described, be seized by the officer making the arrest, and upon the conviction of such person for violating any of the provisions of said laws shall be declared confiscated by the sheriff of the county in which such conviction is had, and upon the final determination of the case shall be sold by the sheriff at public sale to the highest bidder.

SEC. 3. Any horse or horses or animals of any kind, wagon, truck, automobile, car, boat or vehicle of any kind, excepting property of common carriers, used within the State of Idaho with the knowledge of the owner or owners thereof for the purpose of transporting intoxicating liquor in violation of any of the provisions of the laws of Idaho relative to intoxicating liquors shall, upon the arrest of any person found using the same in the manner hereinbefore described, be seized by the officer making the arrest, and upon the conviction of any such person or persons the same shall be declared confiscated by the sheriff of the county in which such conviction is had, and upon the final determination of the case shall be sold by the sheriff at public sale to the highest bidder.

SEC. 4. All funds derived from the sale of any goods seized and confiscated and sold under the provisions of this Act shall be, by the sheriff, turned into the general fund of the county.

SEC. 5. It is expressly declared that should any section, part or portion of this Act be declared unconstitutional or void

such invalidity shall in no way affect the remaining portion of said Act.

SEC. 6. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 15, 1917.

CHAPTER 46.

(S. B. No. 84.)

AN ACT

RELATING TO AND PRESCRIBING THE POWER OF CERTAIN CORPORATIONS ORGANIZED AND EXISTING FOR THE CONTROL OR MANAGEMENT OF IRRIGATION PROJECTS OR CANAL SYSTEMS CONSTRUCTED AND OPERATED PURSUANT TO WHAT IS COMMONLY KNOWN AS THE CAREY ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any corporation organized and existing for the control or management of an irrigation project or canal system constructed and operated pursuant to what is commonly known as the Carey Act and the statutes of this state accepting the provisions of such Act, having stockholders numbering more than three hundred, shall have and exercise the following rights, powers and privileges, in addition to those already granted and existing:

1. To divide into districts the territory included in such project or system and to change from time to time the number and boundaries of such districts.

2. To elect its directors from such districts by a vote in which all the stockholders of the corporation may participate, determine the number of directors to be elected from each district, fix their terms of office and prescribe the times and manner of choosing their successors.

3. To hold regular annual meetings at which the stockholders who are represented in person or by proxy shall constitute a quorum for the transaction of business and shall have the power by a majority vote of the stock so represented to elect directors and transact any other business of the corporation proper to be done.

4. To provide for the appointment of an executive committee from its Board of Directors, to be composed of not less

than one-half of the entire number of directors. Such committee shall have all the powers, rights and privileges of the Board of Directors and may meet at such times and places as the by-laws may provide or the Board of Directors may determine, and the Acts of such committee shall in all matters be valid as against the corporation.

5. To change or amend its articles of incorporation or by-laws or adopt new articles or new by-laws, by a two-thirds vote of the stock represented, at any regular meeting of the stockholders, or at any special meeting duly called for that purpose in accordance with the provisions of Section 2724 of the Revised Codes.

6. To fix the aggregate number of shares of stock any person acting as proxy may vote for others.

7. To prohibit any officer, director, manager, or employee of the corporation from acting as proxy for any other person at any meeting of the stockholders.

8. To prescribe by its articles of incorporation or by-laws, the manner in which the powers given by law shall be exercised.

SEC. 2. The rights, powers, and privileges herein created and granted shall vest in and be held and exercised by the stockholders except in so far as they may be expressly delegated to the directors by the articles of incorporation or by-laws of the corporation.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 47.

(S. B. No. 167.)

AN ACT

PREScribing THE QUALIFICATIONS OF PERSONS WHO MAY VOTE AT SCHOOL ELECTIONS, INCLUDING BOND ELECTIONS, IN THE STATE OF IDAHO; REPEALING CONFLICTING ACTS AND PARTS OF ACTS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That at any and all school elections including

bond elections, held after the passage and approval of this Act, the following persons, and no others, shall be entitled to vote: All persons over the age of twenty-one (21) years who have resided in the district where they offer to vote at least thirty (30) days immediately preceding the election and who are:

(1) Freeholders, including both husband and wife when the freehold is community property; or,

(2) Parents having children under twenty-one (21) years of age.

SEC. 2. That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed to the extent of such conflict.

SEC. 3. An emergency existing therefor, this Act shall be in force and take effect from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 48.

(S. B. No. 134.)

AN ACT

TO AMEND SECTION 64 OF AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF HIGHWAY DISTRICTS, THE CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF HIGHWAYS THEREIN AND A REVENUE SYSTEM THEREFOR; FOR THE APPOINTMENT AND ELECTION OF HIGHWAY BOARDS AND FOR OTHER DISTRICT OFFICERS, AND DEFINING THEIR DUTIES; FOR THE APPORTIONMENT AMONG MUNICIPALITIES, THE HIGHWAY DISTRICT AND THE COUNTY, OF THE PROCEEDS OF ROAD AND BRIDGE COUNTY TAXES; AND DEFINING THE RELATIONS OF HIGHWAY DISTRICTS TO THE COUNTY AND TO MUNICIPALITIES INCLUDED WITHIN SUCH DISTRICTS; REPEALING ACTS INCONSISTENT HERewith AND DECLARING AN EMERGENCY APPROVED MARCH EIGHT, NINETEEN ELEVEN, AND BEING CHAPTER 55 OF THE LAWS OF 1911; LIMITING THE POWERS AND JURISDICTION OF HIGHWAY COMMISSIONERS AND GRANTING TO THE COUNTY COMMISSIONERS POWER AND JURISDICTION TO LOCATE, CONSTRUCT, AND REPAIR ROADS AND BRIDGES WITHIN HIGHWAY DISTRICTS FROM PROCEEDS OF COUNTY BOND ISSUES: REPEALING ALL ACTS INCONSISTENT HERewith AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 64 of the Laws of 1911 be and the same is hereby amended to read as follows:

Sec. 64. If any Highway District shall include within its boundaries any incorporated municipalities, to-wit, any incorporated city, town, or village, or any portion thereof, the power of taxation on the part of the Highway Board both as to Road Poll Taxes and as to property taxes, and in general all power of taxation or assessment, shall extend to and include the persons and property within the territory of such included municipality; and the residents of such included territory shall be deemed for all purposes residents of such Highway District, and entitled to vote at elections therein and therefor to the same extent as other residents of such Highway District. Nothing in this Act shall be construed as affecting or impairing any power of taxation or assessment for local municipal Highway purposes on the part of the authorities of the municipality of any such included territory. Each such incorporated city, town, or village, or portion thereof, within a Highway District, shall constitute a separate division of the District under this Act, and the City Council of each such city, and the Board of Trustees of each such town or village, so far as relates to their city, town or village, shall have the powers conferred, and must perform the duties imposed, upon the Highway Board of such Highway District, by this Act. Each such city council and Board of Trustees must appoint a Road Overseer, who must, within such city, town or village, have the powers conferred, and perform the duties, imposed by this Act, on Deputy Directors of Highways; in respect to such City Councils, Board of Trustees and Road Overseers of any city, town or village, lying within a Highway District, the powers and duties of such Council, Board or Road Overseer shall be as declared in this Section, and the provisions of Section 893 of the Political Code shall not apply thereto. Each such City Council or Board of Trustees may remove the Overseer, or may require a bond or settlement from him at any time, and must fill any vacancy in such office; and regulate the length, grade and size of bridges, causeways and culverts; may provide for the construction and maintenance of sewers, sidewalks and street crossings, and the grade and construction and maintenance of streets and alleys, and have all the pow-

ers as to streets and alleys conferred by their respective charters or acts of incorporation, and by this Act.

All the provisions of this Act as to voting, and as to taxation, assessments and bonding on the part of the Highway District, shall apply without change or discrimination to the persons and taxable property within the included territorial limits of such municipality.

Nothing in this Act shall be construed as a limitation of the power of the Board of County Commissioners to issue bonds of the County for the construction or the repairs of roads and bridges, and whenever the Board of County Commissioners shall issue bonds of the County for the construction or repair of roads and bridges under the provisions of Article 6 Chapter 2, of Title 11 of the Political Codes of Idaho, and Acts supplementary and amendatory thereto upon the authorization of two-thirds of the qualified electors of the County voting therefor at an election held for that purpose pursuant to a resolution of such Board entered upon the Journal of the Board, specifying, describing and defining the road or roads and bridge or bridges to be constructed or repaired and giving the termini and the general course of each road and the approximate location of each bridge it is proposed to construct, and appropriating a specific amount for any road or bridge wholly or partially within any organized Highway District; then the Board of County Commissioners shall have full jurisdiction and power to locate and construct or repair such road or bridge within such Highway District, and to apply such specific appropriation so derived from the issue of such bonds or so much thereof as may be necessary thereto.

SEC. 2. All Acts or parts of Acts in conflict with any other provisions of the foregoing Act are hereby repealed.

SEC. 3. An emergency existing therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1917.

CHAPTER 49.

(H. B. No. 170.)

AN ACT

TO AMEND SECTIONS 2184 AND 2186 OF THE REVISED CODES OF IDAHO RELATING TO CITY OFFICERS AND CITY ELECTIONS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2184 of the Revised Codes of Idaho be and the same hereby is amended to read as follows:

Section 2184. Each ward of said city shall have at least two councilmen who shall be chosen by the electors of the entire city from the qualified electors of their respective wards and who shall serve for two years and until their successors shall be elected and qualified. No person shall be eligible to the office of councilman who is not at the time of his election an actual resident of the ward for which he is elected and a qualified elector under the Constitution and laws of the State of Idaho, and if any councilman shall remove from the ward for which he is elected his office as a councilman shall thereby become vacant. Whenever there shall be a tie in the election of councilmen it shall be determined by lot by the judges of election of the ward in which it shall happen.

SEC. 2. That Section 2186 of the Revised Codes of Idaho be and the same hereby is amended to read as follows:

Section 2186. At the time of the biennial election hereinafter provided for there shall be elected a mayor, a city clerk and the councilmen hereinbefore provided for. The mayor, with the consent of the council, shall appoint a city treasurer, a city attorney, a city engineer, a police judge, a chief of police and an overseer of streets, and the mayor may appoint a city bandmaster, who shall hold their offices for two years unless sooner removed by the mayor with the consent of the council. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen as may be necessary and may also appoint special policemen from time to time as exigencies arise. Such police officers appointed by the mayor and the council in accordance herewith shall be removable at any time by the mayor: *Provided*, The council may provide by ordinance that the city clerk shall be ex-officio police judge.

SEC. 3. An emergency existing therefor, which is hereby declared, this Act shall take effect immediately upon its passage and approval.

Approved March 16, 1917.

CHAPTER 50.

(H. B. No. 317.)

AN ACT

AMENDING SECTION 3 OF CHAPTER 71 OF THE ACTS OF THE THIRTEENTH SESSION OF THE IDAHO LEGISLATURE, APPROVED MARCH 11, 1915, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3 of Chapter 71 of the acts of the Thirteenth Session of the Idaho Legislature, approved March 11, 1915, be and the same hereby is amended to read as follows:

Section 3. The annual salary of the Director shall be Twenty-five Hundred Dollars (\$2500.00).

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after the date of its approval.

Approved March 16, 1917.

CHAPTER 51.

(H. B. No. 313.)

AN ACT

AMENDING CHAPTER 124 OF THE SESSION LAWS OF IDAHO, 1911, PAGE 386, BY AMENDING SECTIONS 4, 8, 28, 36, 38, 39, 43a, 84 AND 86; DESIGNATING ONE DEPUTY BANK COMMISSIONER AS CHIEF DEPUTY; CHANGING DATE OF ANNUAL REPORT; OMITTING PART OF THE PROVISIONS OF SECTION 28 AND MAKING THE PROVISIONS OF SECTION 92 APPLY; PROVIDING FOR BONDING OF EMPLOYEES OF BANKS; LIMITING THE AMOUNT OF CAPITAL TO BE INVESTED IN BANKING BUILDING, LOT, FURNITURE AND FIXTURES; CHANGING RESERVE REQUIREMENTS; RELATING TO LOANS TO DIRECTORS; FIXING THE SALARY OF CHIEF DEPUTY; CHANGING THE WORD "DEPUTY" TO "DEPUTIES", AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4 of Chapter 124 of the Session Laws of Idaho, 1911, page 387, is amended to read as follows:

Section 4. Every bank commissioner, with the consent and approval of the Governor, shall have the right to employ two deputies, one of whom shall be designated as chief deputy, and such clerical assistance as shall be required in the conduct of

his office. The deputies shall assist the commissioner in the discharge of the several duties imposed upon them by this Act, as the commissioner shall find necessary. No person shall be appointed as deputy commissioner who shall not have had at least three (3) years' practical experience in the banking business or shall have served a like period in the banking department of this or some other state.

SEC. 2. That Section 8 of Chapter 124 of the Session Laws of Idaho, 1911, page 388, is amended to read as follows:

Section 8. The bank commissioner shall receive and place on file in his office the reports to be made by the banks and trust companies under this Act; prepare and furnish, on demand, to all the banks and trust companies required to report blank forms for such statements or reports as may be by law required of them; make on or before the thirty-first day of December of each year a report to the Governor of this State containing a copy of the published abstract of the last report furnished by each bank and trust company under his jurisdiction, and any other proceedings had or done by him under this Act, showing generally the condition of the banking business of this State, and such other matters in connection with such general banking business as, in his opinion, may be of interest to the public, with a detailed statement, verified by his oath, of all moneys, fees, etc., received by him during the same period, and shall publish at least two hundred and fifty (250) copies of such report in pamphlet form for distribution.

SEC. 3. That Section 28 of Chapter 124 of the Session Laws of Idaho, 1911, page 395, is amended to read as follows:

Section 28. Whenever articles of incorporation are filed with the Bank Commissioner, as herein provided, and the bank or trust company transmitting the same notifies the Bank Commissioner that its capital stock has been duly paid in and whether such bank or trust company has complied with all the provisions of this Act required before the bank or trust company shall be authorized to commence business, the Bank Commissioner shall, within thirty (30) days, examine into the condition of such bank or trust company, ascertaining whether or not the capital has been paid in and whether such bank or trust company has complied with all the provisions of the law required to entitle it to engage in the business of banking. If, upon such examination, it appears that such bank or trust com-

pany is lawfully entitled to commence business, the Bank Commissioner shall forthwith give to such bank or trust company a certificate, under his hand and official seal, that such bank or trust company is authorized to commence business. If the said Bank Commissioner has reason to believe that the stockholders have formed the same for any other than the legitimate business contemplated by this Act, he may withhold the certificate herein mentioned: *And it is further Provided*, That the Bank Commissioner may withhold the issuance of such certificate to a bank or trust company seeking to engage in business in a town which, in his judgment, does not justify or warrant a new or additional bank: *And it is further Provided*, That an appeal from his decision may be made as provided in section 92 of this Act.

SEC. 4. That Section 36 of Chapter 124 of the Session Laws of Idaho, 1911, page 398, is amended to read as follows:

Section 36. The affairs and business of the bank or trust company shall be managed and controlled by a board of not less than five (5) directors who shall be elected by the stockholders at their regular stated annual meetings.

No person shall be eligible to serve as a director of any bank or trust company organized or existing under the laws of this State unless he shall be the owner in his own right of stock therein to the amount of at least Five Hundred Dollars (\$500.00), par value.

Any vacancy in the board of directors shall be filled by the board and any director so appointed shall hold office until the next election. The directors of every bank and trust company shall hold a regular meeting at least every three (3) months and complete records of such meetings entered in the minute book and signed by both the chairman and secretary.

Any director, officer or other person who shall participate in any violation of the laws of this State relative to banks or banking shall be liable for all damages which said bank or trust company, its stockholders, depositors or creditors shall sustain in consequence of such violation. Every director shall take and subscribe an oath that he will diligently and honestly perform his duty in such office and will not knowingly violate or permit a violation of any provision of the banking law, and such oath of office shall be transmitted to the Bank Commissioner. The officers of the bank or trust company shall be elected by the board of directors and hold their offices for

one (1) year and until their successors are elected and qualified unless sooner removed by the board of directors.

The board shall require the cashier and any and all officers and employes having charge of funds of the bank or trust company to give a good and sufficient bond in some surety company authorized to do business in this State, to be approved and held by them in the minimum amount of Five Thousand Dollars (\$5000.00).

SEC. 5. That Section 38 of Chapter 124 of the Session Laws of Idaho, 1911, page 399, is amended to read as follows:

Section 38. A bank or trust company may purchase, acquire, hold and convey real estate for the following purposes only:

First. Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments to rent as a source of income: *Provided, however,* That no bank or trust company shall invest in a banking building and lot and furniture and fixtures an amount greater than fifty (50) per cent of the capital and surplus of such bank or trust company.

Second. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of business.

Third. Such as it shall purchase at sale on judgments, decrees, or mortgage foreclosure under securities held by it, but a bank or trust company shall not bid at such sale a larger amount than is necessary to satisfy its debts and costs.

Fourth. No real estate acquired in the cases contemplated in the second and third subdivisions preceding shall be held for a longer time than five (5) years, except extension is granted by the Bank Commissioner. Nothing in this section shall be construed to prevent a bank or trust company from loaning moneys upon real estate securities as provided by law or a trust company holding and conveying real estate in trust as herein provided. Real estate shall be conveyed under the corporation seal of the bank or company and the hand of the president or vice-president and cashier or assistant cashier.

SEC. 6. That Section 39 of Chapter 124 of the Session Laws of Idaho, 1911, pages 399-400, is amended to read as follows:

Section 39. Every bank or trust company doing business under this Act shall have on hand at all times in available

funds not less than fifteen (15) per cent of its aggregate deposits, one-fifth (1-5) of which must be actual cash in its vaults; the remaining four-fifths (4-5) may consist of balances due it from good, solvent banks. Cash items shall not be considered as a part of the reserve of any bank or trust company.

SEC. 7. That Section 43 of Chapter 124 of the 1911 Session Laws, page 401, as amended under Section 43a of Chapter 81 of the 1915 Session Laws of Idaho, page 197, is amended to read as follows:

Section 43a. It is unlawful for a corporation transacting a banking business in this State to loan to a director, officer or employe thereof or for a director, officer or employe thereof to borrow from such corporation any of its funds, except subject to the following limitations:

(a) The indebtedness of an officer, other than a director, or of an employe shall not exceed five (5) per cent of the paid-up capital stock and surplus of the corporation.

(b) The combined indebtedness of directors, officers and employes shall not exceed fifty (50) per cent of the paid-up capital stock and surplus of the corporation.

(c) No such loan shall be made without first being approved by a majority of the board of directors at a meeting in the minutes of which such approval is recorded in detail.

And if the directors of any such corporation knowingly permit any of the directors, officers or employes thereof to borrow its funds in violation of this section or in an excessive amount or in a dishonest manner or in a manner incurring great risk of loss to such corporation, every director who participated in and assented to the same is liable personally for all damage which the corporation or its shareholders or any other person may sustain by reason of such loan.

SEC. 8. That Section 84 of Chapter 124 of the Session Laws of Idaho, 1911, page 412, is amended to read as follows:

Section 84. The salary of the Bank Commissioner shall be Four Thousand Dollars (\$4,000.00) per annum. The salary of the chief deputy shall be Two Thousand Seven Hundred Dollars (\$2,700.00) per annum, the salary of the other deputy shall be Two Thousand Four Hundred Dollars (\$2,400.00) per annum and the salaries of such clerks as may be

employed under this Act shall be at such rate per annum as the commissioner shall decide: *Provided*, That such rate is not in excess of that of the clerks of the several state departments. The salaries of the commissioner, deputies and clerks shall be audited and allowed as other claims against the State.

SEC. 9. That Section 86 of Chapter 124 of the Session Laws of 1911, page 412, is amended to read as follows:

Section 86. It shall be unlawful for the Bank Commissioner, his deputies or clerks or either of them to borrow money, directly or indirectly, from any bank or trust company doing business under the provision of this Act. Any violation of this section shall be punished according to Section 87.

SEC. 10. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1917.

CHAPTER 52.

(H. B. No. 165.)

AN ACT

AMENDING CHAPTER 179 OF THE SESSION LAWS OF 1913, PAGE 558, AS AMENDED BY CHAPTER 64 OF THE SESSION LAWS OF 1915, PAGE 158, BY AMENDING SECTIONS 14a, 14b, 14e, AND BY ADDING SECTION 14g THERETO TO FOLLOW SECTION 14f AND BY AMENDING SECTIONS 16, 21 AND 23 OF SAID CHAPTER 179, AS AMENDED BY SAID CHAPTER 64 OF THE SESSION LAWS OF 1915 RELATING TO THE LICENSING AND REGULATING OF MOTOR VEHICLES AND MOTOR CYCLES, PROVIDING FOR THE DIVISION OF THE ANNUAL LICENSE TAX ON MOTOR VEHICLES INTO THREE PERIODS AND FOR THE PAYMENT OF A PROPORTIONATE PART THEREOF, DEPENDING UPON THE TIME WHEN THE OWNER RECEIVED POSSESSION OF SUCH MOTOR VEHICLES, PROVIDING FOR THE DUTIES OF ASSESSORS, SHERIFFS, DEPUTY SHERIFFS, CONSTABLES, POLICEMEN, GAME WARDEN AND DEPUTY GAME WARDENS IN THE ENFORCEMENT OF THIS ACT, RELATING TO LICENSE FEES OF MANUFACTURERS AND DEALERS IN MOTOR VEHICLES AND MOTOR CYCLES AND PROVIDING FOR A STATEMENT BY DEALERS TO THE ASSESSOR OF ALL CARS SOLD, DECLARING AN EMERGENCY AND PROVIDING THAT THIS ACT SHALL TAKE EFFECT UPON ITS PASSAGE AND APPROVAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Section 14a of said Chapter 179 as amended by said Chapter 64 of the Session Laws of 1915, page 166, is hereby amended to read as follows:

Section 14a. The application shall be verified by the owner of the motor vehicle to be registered or his duly authorized agent and shall contain:

(a) The name of the owner, with the business or residence address thereof or both, if, there be such;

(b) The nature of the license required, whether a license has heretofore been issued for such vehicle, and, if so, the number of such license;

(c) The trade name of such vehicle, the factory number thereof and the name and address of the manufacturer;

(d) The kind of vehicle, whether a motor cycle, automobile, auto stage, auto truck or other motor vehicle;

(e) The rated carrying capacity of such vehicle;

(f) The purpose for which the same is to be used;

(g) The power to be used, whether electric, steam, gas or other power;

(h) The date when the applicant took possession of such vehicle as owner under contract of purchase or gift or otherwise;

(i) Such other information as shall be required by the State Highway Commission.

SEC. 2. Section 14b of said Chapter 179 as amended by said Chapter 64 of the Session Laws of 1915, page 166, is hereby amended to read as follows:

Section 14b. The fees for licensing all motor vehicles owned or used within this State shall be as follows:

On all motor vehicles weighing two thousand (2,000) pounds or less, the annual license fee shall be Fifteen Dollars (\$15.00);

On all motor vehicles weighing more than two thousand (2,000) pounds and not to exceed three thousand (3,000) pounds, the annual license fee shall be Twenty Dollars (\$20.00);

On all motor vehicles weighing more than three thousand (3,000) pounds and not to exceed four thousand (4,000) pounds, the annual license fee shall be Thirty Dollars

(\$30.00); and on all motor vehicles weighing more than four thousand (4,000) pounds, the annual license fee shall be Forty Dollars (\$40.00).

For the purpose of this Act the weight of any motor vehicle is hereby defined to be the weight of a new motor vehicle with all equipment furnished by the manufacturer thereof: *Provided*, That in the event of a disagreement as to the weight of any motor vehicle, between the officer fixing the license fee on such motor vehicle and the owner or user thereof, such weight shall be established by an actual weighing on public scales; *And, Provided, further*, that after any motor vehicle shall have been owned or used for a period of five (5) years the license fee therefor shall be two-thirds (2-3) of the fee hereinbefore established for a new motor vehicle of the same make, model, and class; *And, Provided, further*, that the annual license fee for any motorcycle shall be Five Dollars (\$5.00).

If the applicant shall become the owner of and receive possession of said vehicle between January first and August first of any year he shall pay the full annual license, as above provided, if he shall become such owner and receive possession thereof at any time between August first and November first of any year he shall pay one-half of such license fee and if he shall become such owner and receive possession thereof at any time after November first of said year, he shall pay one-fourth of such license fee, and he shall be entitled, upon such payment, to receive the license provided for herein.

SEC. 3. Section 14e of said Chapter 179 as amended by Chapter 64 of the Session Laws of 1915, page 167, is hereby amended to read as follows:

Section 14e. If any person, co-partnership or corporation owning a motor vehicle or motor cycle who is subject to a license tax therefor under the provisions of this Act fails, neglects or refuses to apply for the same and pay said license tax within the time required by this Act it shall be the duty of the county assessor of the county in which such motor vehicle or motor cycle may be found, without the necessity for previous demand for the payment thereof, to collect said license fee by a seizure and sale of such motor vehicle or motor cycle in the same manner as is or shall be provided by law for the seizure and sale of personal property in default of the payment of taxes thereon.

SEC. 4. Said Chapter 179 as amended by said Chapter 64 of the Session Laws of 1915 is amended by inserting therein immediately following Section 14f one new section designated as Section 14g, as follows:

Section 14g. It shall be the duty of sheriffs, deputy sheriffs, constables, policemen, game warden and deputy game wardens within the State of Idaho to enforce the provisions of this Act and make arrests for the violation thereof.

SEC. 5. Section 16 of said Chapter 179 as amended by Chapter 64 of the Session Laws of 1915, page 167, is amended to read as follows:

Section 16. Upon receipt of the application for registration and duplicate receipt the Secretary of the State Highway Commission shall assign to such motor vehicle a distinctive number and, without expense to the applicant, issue and deliver to the owner a certificate of registration and a number plate at least six inches wide and not less than fifteen inches in length, having thereon in some conspicuous color in strong contrast with the body of such plate the number of registration in figures not less than five inches in height, the year and the word "Idaho" to the right of the registration number, the one over the other thus: $\frac{\text{Idaho.}}{1917}$ No number plates shall

be used on motor vehicles or motor cycles other than those furnished by the Secretary of the State Highway Commission and the number plate for motor cycles shall be approximately 3 inches wide and 8½ inches high with the letters and numbers in corresponding proportion so the same may be adjusted to the rear fender or other conspicuous place on the rear of such motor cycle. After the year 1917 and beginning with January 1st, 1918, the Secretary of the State Highway Commission shall, without extra expense to the applicant, issue and deliver to the owner of the motor vehicle two number plates in duplicate, to be displayed on such vehicle as hereinafter provided.

SEC. 6. Section 21 of said Chapter 179 as amended by Chapter 64 of said Session Laws of 1915, page 168, is amended as follows:

Section 21. Motor vehicles operated by manufacturers or dealers for the purpose of testing, demonstrating or selling shall be exempt from the necessity of individual registration:

Provided, Such manufacturer or dealer shall have registered with the Secretary of the State Highway Commission, as a dealer or manufacturer, as the case may be, for each make of vehicle manufactured or handled. Application for such registration may be made on a blank to be furnished by the Secretary of the State Highway Commission, stating the name of the dealer and whether a corporation, association or co-partnership, such dealer's or manufacturer's place of business and business address and the make or makes of motor vehicles it is proposed to manufacture or deal in. The fee for a manufacturer's or dealer's license shall be \$35.00 where only one make of vehicle is handled and an additional fee of \$25.00 for each additional make handled and the license fee for a dealer in motor cycles shall be \$15.00. Application shall be made to the county assessor and the fee paid to and collected by him in the same manner as other motor vehicle licenses. Upon presentation of the application and duplicate receipt the Secretary of the State Highway Commission shall file said application in his office and register such dealer or manufacturer in a book or index kept for that purpose, under a distinctive number assigned to such dealer or manufacturer, which book or index shall be open to inspection during all reasonable business hours. The Secretary shall thereupon, without further cost to such dealer or manufacturer, issue and deliver to such dealer or manufacturer one original plate containing thereon the year, the word "Dealer" and the registry number assigned to such dealer or manufacturer; otherwise such plate shall correspond in size and design required of plates issued upon registration of individual motor vehicles, as provided by this Act. Duplicate or additional number plates shall be issued to any dealer or manufacturer upon payment to said Secretary of One Dollar (\$1.00) for each additional plate. Every motor vehicle of such manufacturer or dealer so registered shall, when the same is operated or driven on the public highways, carry and display such dealer's or manufacturer's number plate in the same manner as is required by this Act of individually registered motor vehicles, and no number plates shall be used by any dealer or manufacturer except those issued by the Secretary of the State Highway Commission, as herein provided. The manufacturer's or dealer's license herein provided for shall not be used on any other make of vehicle than that stated in the application therefor, nor upon any vehicle while the same is being operated for hire, nor

shall any dealer or manufacturer knowingly permit the use of his dealer's or manufacturer's plate or number upon any car not owned by him except as otherwise provided in Section 22 of this Act. The license issued to any dealer or manufacturer shall cover only his place of business in one city, town or village and an additional license must be obtained by dealers for every separate establishment owned or operated by them in any other city, town or village.

Upon the sale of a motor vehicle by a dealer, manufacturer or individual he shall, within five days after such sale, notify in writing the assessor of the county in which the purchaser resides or in which he expects to procure his license of such sale, upon blanks which shall be furnished by the Secretary of the State Highway Commission upon application therefor. Such statement shall give the name and residence of the purchaser, the trade name of such vehicle, the rated horse-power, the motor number and date of delivery to the purchaser or his agent.

SEC. 7. Section 23 of said Chapter 179 of the Session Laws of 1913, page 569, is amended to read as follows:

Section 23. No person shall operate or drive a motor vehicle on the public highways of this State prior to January 1st, 1918, unless such vehicle shall have the distinctive number plate issued by the Secretary of the State Highway Commission conspicuously displayed on the rear of such vehicle, and after January 1st, 1918, such vehicle shall have such number plate attached conspicuously to both the front and rear of such vehicle, and each number plate shall be kept clean so as to be plainly seen and read at all times, and no person shall display on such vehicle at the same time any number assigned to it under any other motor vehicle law or number plate issued under this Act when such number plate has expired by lapse of time.

SEC. 8. Whereas, an emergency exists therefor, this Act shall take effect from and after its passage and approval.

Approved March 19, 1917.

CHAPTER 53.

(H. B. No. 301.)

AN ACT

TO AMEND SECTION 3282 OF THE REVISED CODES OF THE

STATE OF IDAHO RELATING TO THE ESTABLISHMENT OF HEADGATES IN IRRIGATION CANALS, PROVIDING FOR THE PAYMENT THEREFOR AND CREATING A LIEN, AND MAKING THE SAME COLLECTABLE WITH TAXES IN CASE OF NON-PAYMENT; APPROPRIATING MONEY FOR CARRYING OUT THE PURPOSES OF THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3282 of the Revised Codes of the State of Idaho be amended so as to read as follows:

Section 3282. The appropriators or users of any public waters of the State of Idaho shall maintain to the satisfaction of the State Engineer suitable headgates and controlling works at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point and such appropriator shall construct and maintain, when required by the State Engineer, a rating flume or other measuring device at such point as is most practical in such canal or ditch for the purpose of assisting the watermaster or State Engineer in determining the amount of water that may be diverted into said ditch from the stream. Plans for such headgates, rating flumes or other measuring devices shall be approved by the State Engineer.

If any appropriator or user of public waters neglects or refuses to put in such headgates, controlling works or measuring devices as, in the judgment of the State Engineer, will provide for the proper measurement, control and distribution of the water, then the State Engineer shall give to the owner or user of such works ten days' notice to remedy the defects in accordance with the requirements set out in said notice. Such notice may be given by registered mail, and in case of the failure or refusal of the owner or user of said works to comply therewith, then said headgates, rating flumes, measuring devices or controlling works may be put in under the direction of the State Engineer at the expense of the owner or user of said works and the cost and expense thereof, together with the expenses of supervision by the State Engineer, shall be a lien upon the works or irrigation system for the improvement of which such headgates, rating flumes, measuring devices or controlling works are put in. The State Engineer shall make up a statement showing the amount of the cost and

expense, the purpose thereof and necessity therefor and shall file the same with the county recorder within ninety (90) days from the completion of the work. Such lien shall be filed for the benefit of the persons doing the work or furnishing the material therefor. Attorney's fees shall be allowed by the court upon the foreclosure of such lien.

In case, however, the State Engineer shall deem it undesirable to secure the enforcement of the payment of the cost and expenses of the improvement in the manner hereinbefore mentioned he may file the statement of costs and expenses hereinbefore mentioned with the county recorder for presentation to the board of county commissioners of the county in which the works or a portion of them are located and the said board of county commissioners shall pay the same to the State Engineer by a warrant drawn on the current expense fund of the county and shall add the amount of the cost and expenses, as shown by the State Engineer's certificate, to the taxes of the owner or owners of the canal or ditch whereon the improvement is made. Said Board of county commissioners shall cause a notice of the amount of the claim to be sent by registered mail to the owner or owners of the ditch or canal system, and in case said payment is not made, then a penalty of ten per cent shall be added to the amount and the entire amount shall be collected with the taxes of the owner or owners of the canal or ditch system, and the amount shall be a lien against the property the same as state and county taxes.

No canal in this State shall be exempt from the payment of such tax.

SEC. 2. There is hereby appropriated out of any money in the general fund of the treasury in the State of Idaho for the purpose of carrying out the provisions of this Act the sum of Five Thousand Dollars, to be a perpetual fund, and the State Engineer shall draw vouchers on such fund for the purpose of carrying out the provisions of this Act.

The owner or owners or users of water through said irrigation works may pay the amount of the costs and charges, together with interest at the rate of seven per cent per annum from the date of the completion of the improvement, to the State Engineer at any time prior to the filing of the lien or the filing of the claim with the county recorder. The State Engineer shall issue a receipt for any payment so made and shall

remit the same to the State Treasurer, who shall place said money in the fund hereinbefore mentioned.

SEC. 3. Any person, firm or corporation using the channel of any stream or streams or any tributary of such stream or streams in this State as an impounding reservoir shall place therein at a point above and as near as practicable to the back-water of such reservoir such system or device as the State Engineer may require for measuring the flow of water at such point and in accordance with plans and specifications which shall be furnished by the State Engineer.

It shall also be the duty of those using water in any water district to place in the streams from which said water is diverted and at such places and intervals on said streams as the State Engineer may require suitable systems or devices for measuring the flow of water.

The cost and expenses incurred in the last two paragraphs of this Act set forth, if constructed by the State Engineer, shall be paid pro rata by the several users of water in such district as provided in Section 1 of this Act.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 19, 1917.

CHAPTER 54.

(H. B. No. 131.)

AN ACT

TO CLOSE THE OPEN SEASON FOR PURSUING, CAPTURING AND KILLING OF GAME ANIMALS, FUR-BEARING ANIMALS, GROUSE OF ALL KINDS AND ALL OTHER GAME BIRDS WITHIN CERTAIN BOUNDARIES WITHIN THE STATE OF IDAHO; CREATING A GAME PRESERVE TO BE KNOWN AS THE "BIG CREEK GAME PRESERVE" AND DEFINING THE BOUNDARIES THEREOF; PRESCRIBING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT; MAKING POSSESSION EVIDENCE OF SUCH VIOLATION; REPEALING CONFLICTING ACTS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The provisions of the fish and game law of the State of Idaho defining an open season for the hunting, pursuing and killing of game animals or fur-bearing animals,

grouse of all kinds and all other game birds of this State and regulating the capture of such animals shall not apply to the area herein described, to-wit: Beginning at the confluence of the Middle Fork of the Salmon River with the main Salmon River in the County of Lemhi, State of Idaho, and running thence in a general easterly direction up said main Salmon River to the mouth of Big Creek; thence in a general southerly direction up said Big Creek to the mouth of Big Deer Creek; thence in a general westerly direction up said Big Deer Creek to the summit of the divide between said Big Deer Creek and Iron (or Waterfall) Creek; thence down said Iron (or Waterfall) Creek in a general westerly direction to its confluence with said Middle Fork of Salmon River; thence down said Middle Fork in a general northerly direction to the point of beginning.

SEC. 2. For the better protection of game animals and fur-bearing animals, grouse of all kinds and all other game animals, for the establishment of a breeding place therefor and for the preservation of the species thereof the area described and embraced within the boundaries set forth, stated and defined in Section 1 of this Act, is hereby set aside and designated as a game preserve to be known as the "Big Creek Game Preserve."

SEC. 3. It shall be unlawful for any person or persons at any time to hunt, trap, capture, pursue or kill game animals of any kind or description whatsoever within the limits of the boundaries of the Big Creek Game Preserve.

SEC. 4. It shall be unlawful for any person or persons at any time to hunt, trap, capture, pursue or kill within the limits or boundaries of the Big Creek Game Preserve any of the following fur-bearing animals, to-wit: Beaver, otter, martin, fisher, fox or mink.

SEC. 5. Mountain lion, lynx, timber or prairie wolf, coyote and wild cat may be destroyed or exterminated within said Big Creek Game Preserve by game wardens or persons authorized by game wardens to destroy such predatory animals.

SEC. 6. Any person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined the sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for a pe-

riod of not less than three (3) months nor more than one (1) year, or both such fine and imprisonment, in the discretion of the court.

SEC. 7. Possession of any of the animals or of any part of the animals, the killing of which is prohibited within the Big Creek Game Preserve by this Act, by any person within the boundaries of the said preserve shall be deemed *prima facie* evidence of a violation of the provisions of this Act: *Provided*, That persons who are bona fide and established residents within the said preserve may, with the knowledge of the game warden, have in their possession such animals which have been lawfully killed outside of the boundaries of the Big Creek Game Preserve.

SEC. 8. It is the intent of this Act to leave the question of stock grazing within said game preserve entirely to the discretion of the Forest Department.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 10. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 55.

(H. B. No. 187.)

AN ACT

PROVIDING FOR THE AMENDMENT OF ARTICLE IX, X AND XI OF CHAPTER 58 OF THE SESSION LAWS OF 1913 AND PROVIDING FOR THE ASSESSMENT OF PERSONAL PROPERTY AND THE COLLECTION OF TAXES ON PERSONAL PROPERTY; PROVIDING FOR THE SEIZURE AND SALE OF PERSONAL PROPERTY FOR TAXES; PROVIDING FOR SETTLEMENT OF REVENUE OFFICERS; REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT; CONTINUING IN EFFECT PRIOR LAW FOR COLLECTION OF TAXES FOR THE YEAR 1916, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Article IX of Chapter 58 of the laws of 1913 be and the same is hereby amended to read as follows:

ARTICLE IX.

ASSESSMENT OF PERSONAL PROPERTY AND COLLECTION OF TAXES ON PERSONAL PROPERTY.

Section 146. All personal property whereon the tax is not a lien on real property of sufficient value, in the judgment of the assessor, to insure the collection of such tax shall be entered in a separate book, to be known as "The Personal Property Assessment Roll." The said roll shall be made out in tabular form with separate columns with appropriate heads after the manner specified in the form provided for in the next section, and such additional columns as may be required. In the event that there is no property of a particular class in any county the column for the classification of such property may be omitted from the assessment roll of such county. Only such columns need be provided for extending taxes as are actually required in each county for state, county, city, town, village, school district, road district or other purposes.

Section 147. The form of the personal property assessment roll and taxpayer's statements shall be in the form supplied by the State Auditor.

Section 148. The assessor must assess all personal property required by this Act to be entered on the personal property assessment roll between the second Monday of January and the fourth Monday of October in each year and must complete said assessment on or before the said fourth Monday of October. In making such assessment the assessor shall actually determine, as nearly as practicable, the full cash value of each piece of personal property assessed and within ten days after such assessment and valuation shall turn over to the county auditor the taxpayers' statement, whereupon the county auditor shall enter the amount and value of each class of personal property in appropriate columns after the name of the owner of such property, if known, otherwise after unknown owner. The county auditor shall, within ten days after the roll is equalized by the board, complete the extension of the tax levies on the aggregate valuation on such property, after deducting the amount of any exemptions allowed. He must immediately, upon completion, turn the roll over to the tax collector for collection after charging the full amount of the roll to said tax collector. The tax collector shall receive credit for all moneys turned into the treasury prior to receiv-

ing the roll and any rebates made, due to over-collection, shall be charged back to him.

Section 149. All personal property within the county not expressly exempted is subject to assessment and taxation. All personal property subject to assessment and taxation must be assessed at its full cash value for taxation for state, county, city, town, village, road district, school district and other purposes under the provisions of this Act, with reference to its value at twelve o'clock meridian on the second Monday of January in the year in which such taxes are levied, and all taxes levied under the provisions of this Act shall be a lien upon the personal property so assessed, and in the event that personal property is not within the county at the time stated it shall become burdened with a lien for the taxes to be assessed against it while in the county from the time it enters the county. If the owner or any person required by this Act to list property shall be sick or absent when the assessor calls for a taxpayer's statement of such property or if such person is not a resident of the county, the assessor shall leave at the office, place of business or residence of such person or mail to such person at his last known postoffice address a blank taxpayer's statement and a written or printed notice requiring such person to make out and deliver to the assessor on or before the same day named therein the statement required by this Act. If such person fails to make out and deliver such statement as required, the assessor may list and assess such property according to his best judgment and information and such assessment shall automatically become a lien upon such property and remain such lien until the taxes thereon are paid: *Provided*, That if the assessment is made and tax is collected before the levy for the current year has been made, the taxes shall be computed upon the levies made for the preceding year, and if the tax is collected after the levies for the current year have been fixed, the taxes shall be computed upon such levies for the current year. The tax collector must issue a tax receipt for taxes collected by him, upon blanks in the form supplied by the State Auditor and prescribed by this Act, when such taxes are paid.

In the event of the destruction of personal property by fire after the second Monday in January of any year the lien of the personal property tax shall attach to and follow any insurance that may be upon said property and the insurer shall

pay to the county tax collector from the said insurance money all taxes, interest and costs that may be due unless relieved therefrom by the board of county commissioners.

Section 150. If the payment of any tax on personal property, as prescribed in the preceding section, is refused, the tax collector must then and there distrain and sell, in the manner provided for the distraint and sale of personal property for taxes, so much of such property as may be necessary to pay such taxes or forthwith bring suit with attachment in aid of such suit for the amount or estimated amount of such taxes due.

Section 151. All taxes collected by the tax collector on personal property prior to the completion of the roll, as provided in this Act, shall be paid daily into the county treasury, to be credited to personal property tax fund, and shall be reported to the county auditor in the manner provided in Section 198 for reporting taxes on personal property.

Section 152. Any person paying taxes on personal property to the tax collector, as provided in this Act, may obtain a rebate for the taxes paid in excess of the amount due, as determined by the board of county commissioners: *Provided*, That a duly verified claim for such rebate is filed with the clerk of the board of county commissioners on or before the fourth Monday of October in the year in which such taxes are paid. Any deficiency in the amount of taxes collected by the tax collector shall, unless paid upon demand, be collected by seizure and sale or suit, as provided by law for the collection of personal property taxes.

Section 153. The form of tax receipt referred to in Section 149 shall be substantially as follows:

TAX COLLECTOR'S
Personal Property Tax Receipt

No.-----

County, Idaho,-----191-----

Received from-----
Dollars on account of taxes for the year 191-----, on the following described property, to-wit:

Personal Property		Amt	Value	Personal Property	Amt	Value	Personal Property	Amt	Value	Taxes	
Equities in State Lands, Improvements on Gov. and State Lands and Railroad right-of-way				No. for full year.			Harness, Robes and Saddles			Purposes	Levy on \$100
Des.				Hogs			Hay, Grain and other products			State and County	\$
Cattle				Wool			Machinery			City or Village of	
Horses				Merchandise			Bees			School Dist. No.	
Sheep				Vehicles			Bank Stock			School Dist. No.	
Migratory Livestock				Libraries, Instruments, Tools, Farm Machinery, Household Goods, Wearing Apparel and Jewelry, Furniture and Fixtures			Lumber, Logs, Wood			Road Dist. No.	
Total No.							Other Personal Property			Road Dist. No.	
Portion of year											
Total Value of Property				Total Value of Property				Total Tax			

NOTE: The Board of County Commissioners will meet on the first Monday of November to equalize the assessment of personal property whereon the tax is not a lien on real property of sufficient value to insure the collection of the tax; to allow exemptions and to grant rebates claimed on account of taxes paid in excess of the amount due. Claims for rebates must be filed with the Clerk of the Board of County Commissioners on or before the fourth Monday of October. Claims for exemptions must be filed with the Clerk of the Board of County Commissioners prior to the fourth Monday of October.

1917

Tax Collector.

By-----
Deputy.

(The total number of Migratory Livestock must be shown and must also be carried out in equivalents for a full year: For example, 600 migratory cattle assessed for four months should be reported as 200 head for one year. 3600 migratory sheep for nine months should be reported as 2700 head for one year.)

Section 154. As soon as the personal property assessment roll is completed the assessor and his deputy must appear before the clerk of the board of county commissioners and each must take and subscribe an affidavit in the form prescribed herein. The form of the affidavit to be subscribed by the assessor shall be substantially as follows:

"State of Idaho, }
County of } ss.

....., being first duly sworn, deposes and says: That he is the duly qualified and acting assessor in and for said county; that between the second Monday of January and the fourth Monday of October in the year 19... he has made diligent inquiry and examination to ascertain all personal property within the county whereon the tax is not a lien on real property of sufficient value to insure collection of such taxes, subject to assessment by him, and that the same has been assessed equally and uniformly and, according to his best judgment, information and belief, at its full cash value; that he has faithfully complied with all the duties imposed upon him under the revenue law; that he has not imposed any unjust or double assessment through malice, ill will or otherwise; that he has not allowed anyone to escape the just and equal assessment through favor or reward or otherwise, and that he has delivered such assessment or tax payers' statements to the county auditor, as provided by law.

.....
Subscribed and sworn to before me this.....day
of A. D., 19.....

.....
Clerk of the Board of County
Commissioners in and for said
County and State."

The form of the affidavit to be subscribed by each deputy assessor shall be substantially as follows:

"State of Idaho, }
County of } ss.

The undersigned, being first duly sworn, each for himself, deposes and says: That he is a duly qualified and acting deputy assessor in and for said county; that between the second Monday of January and the fourth Monday of October in the year 19... he has made diligent inquiry and exami-

nation to ascertain all the personal property within said county or the subdivisions thereof assessed by him whereon the tax is not a lien on real property of sufficient value to insure the collection of such taxes, subject to assessment by the assessor, and that the same has been assessed equally and uniformly and, according to the best of his judgment, information and belief, at its full cash value; that he has faithfully complied with the duties imposed upon him under the revenue law; that he has not imposed any unjust or double assessment through malice or ill will or otherwise and that he has not allowed anyone to escape a just and equal assessment through favor or reward or otherwise.

.....
.....
.....
Subscribed and sworn to before me this.....day of
....., A. D. 19.....

.....
Clerk of the Board of County
Commissioners in and for said
County and State."

Section 155. The failure to make and subscribe any affidavit required in the preceding section shall not in any manner affect the validity of the assessment. The making of such affidavit, however, is declared to be a duty pertaining to the office of the assessor, and when the same is to be made by the deputy assessor it shall be the duty of the assessor to have the same properly made. In every case where any such affidavit is not made the board of county commissioners must require the assessor to make the same or to have the same made by the deputy assessor, as the case may be. Upon the refusal or neglect of such assessor to supply such affidavit forthwith the chairman of the board of county commissioners must immediately file in the district court of the county an information in writing, verified by his oath, charging such assessor with refusal or neglect to perform the official duties pertaining to his office, and thereupon he must be proceeded against as in such cases provided by law.

Section 156. The county auditor must complete the personal property assessment roll on or before the fourth Monday in October of each year and must, on or before the said date, deliver the completed personal property assessment roll,

together with all taxpayers' statements and claims for exemptions relating to the assessments entered thereon to the clerk of the board of county commissioners. The said assessment roll, taxpayers' statements and claims for exemptions must remain in the office of the said clerk until the meeting of such board as a board of equalization in November for the inspection of all persons interested.

Section 157. If the county auditor fails to complete the personal property assessment roll and deliver the same to the clerk of the board of county commissioners within the time prescribed by law, he shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the county. If, however, the failure of the assessor to turn over to the county auditor within ten (10) days, as provided in this Act, the taxpayers' statements is responsible for the failure of the county auditor to complete and deliver the personal property assessment roll within the time herein prescribed, then the assessor shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the county.

Section 158. Equities in state land shall be assessed at the full cash value of the land, after deducting the amount of the purchase price remaining unpaid. Refusal to pay the tax levied upon any equity in state land by the owner upon demand by the tax collector shall operate as forfeiture of such equity. Any such refusal shall be reported to the State Board of Land Commissioners by the tax collector and the said board shall thereupon declare such forfeiture and the certificate and contract relating thereto annulled in the same manner as in the case of failure of a purchaser of state land to make any of the payments stipulated and provided in Section 1581 of the Revised Codes of Idaho.

Section 159. All improvements on government or state land and all improvements on all railroad rights-of-way owned separately from the ownership of the rights-of-way upon which the same stands shall be assessed as personal property and entered upon the personal property assessment roll.

Section 160. Any goods, merchandise, grain or produce of any kind or other personal property purchased in or out of this State with a view of being sold at an advanced price or profit, or which has been consigned from any place out of

this State for the purpose of being sold at any place within this State, and all nursery stock shall be assessed as merchandise.

Section 161. All migratory livestock shall be subject to assessment and taxation for the same year in each of the counties in which it is kept, driven or pastured or suffered to range or graze or in which it does range or graze in proportion to the portion of such year it is so kept, driven or pastured or suffered to range or graze or does range or graze in such county, as provided in this Act.

Section 162. Migratory livestock shall be assessed in the county wherein the same is first listed in any year in the same manner and for the same purpose as other personal property, and the county where such migratory livestock is first listed or assessed in the same year shall be known as the home county during that year.

Section 163. All migratory livestock shall be entered upon the personal property assessment roll only, even though the taxes thereon be a lien on real property, and in all cases where the tax on migratory livestock is not a lien upon real property the lien shall exist, however, upon the migratory livestock until the taxes thereon have been paid, and any owner or agent of any owner who shall remove or allow any livestock to be removed from the county without first having paid the tax thereon shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as in this Act hereinafter provided.

Section 164. All migratory livestock must be assessed for the full year in the home county and the taxpayers' statement must show the number, description and marks and brands of the different kinds of such livestock within the said county. In case the taxes for the full year are not paid at the time of removing such stock from the home county and a receipt issued therefor the tax collector of such county must make out and deliver to the owner of such livestock or his agent a certificate that the payment of such taxes for the full year has been fully secured in said home county.

Section 165. Whenever any migratory livestock is driven into or pastured or suffered to range or graze or does range or graze in any county in this State other than its home county the owner thereof or his agent shall, within ten (10) days from the time any such livestock enters such county, notify the assessor thereof that such livestock has entered said coun-

ty, and at the same time shall make and deliver to the assessor of such other county, upon blanks furnished by the assessor upon the request of said owner or his agent, a written and sworn statement showing the date on which such livestock entered the county, the number, description and marks and brands of the different kinds of such livestock and the full length of time during the year that such livestock and every part, portion and kind thereof will be in said county, and at the same time shall produce for the inspection of the assessor or his deputy the receipt from the tax collector of the home county showing that the taxes on such livestock for the full year have been paid or the certificate of the tax collector of such home county showing that the taxes for the full year have been fully secured in such home county. Thereupon the assessor of such other county shall assess such migratory livestock for taxation in proportion to the portion of a year such livestock is kept, driven or pastured or suffered to range or graze or does range or graze in such other county: *Provided*, That if any migratory stock comes into a county after the assessment roll has been closed for the current year, such migratory stock or personal property shall be assessed and placed upon a subsequent roll for the same current year in the manner provided for the assessment and preparation of the roll, and the same shall be immediately turned over to the tax collector for collection.

Section 166. It is the duty of the assessor to assess all migratory livestock within his county for taxation, even though the owner or the agent of the owner fails to give the notice or make the statement or statements, as provided in this Act, and such assessor shall be liable upon his official bond for all taxes upon such migratory livestock escaping assessment, as in the case of other personal property escaping assessment and taxation.

Section 167. The provisions of this Act relating to the distraint and sale of personal property for taxes shall apply to migratory livestock, and any owner or agent of any owner who shall fail or refuse to make any statement required under the provisions of this Act or who shall make any false statement or who shall remove or suffer to be removed any such livestock from any county to evade payment of taxes due shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than Twenty-five Dollars nor

more than Five Hundred Dollars or shall be imprisoned in the county jail not less than thirty (30) days nor more than six (6) months, or shall suffer both such fine and imprisonment: *Provided*, That any person making a false statement under oath shall be guilty of perjury.

Section 168. All taxes on migratory livestock collected by the tax collector, as in this Act provided, shall be reported to the county auditor at the same time and in the same manner as the funds collected on other personal property are reported to the county auditor.

Section 169. Any person paying taxes on migratory livestock may obtain a rebate on the amount paid in excess of the amount due in any county or an adjustment of the amount of taxes levied upon such property: *Provided*, That a duly verified claim for such rebate is filed with the clerk of the board of county commissioners on or before the fourth Monday of October in the year in which such taxes are levied or paid, as in the case of a rebate for taxes on other personal property paid to the tax collector: *And, Provided further*, That any claim for rebate or adjustment of taxes paid or taxes levied on migratory livestock in the home county on account of taxes which have been paid or secured for any portion of the same year in another county must be accompanied by the receipt or certificate of the tax collector of such other county, showing for what portion of the year the taxes on such livestock have been paid or secured in such other county. All such claims for rebates and adjustments shall be examined and passed upon by the board of county commissioners at the annual meeting of such board as a board of equalization in November and all rebates allowed on taxes which have been paid shall be remitted upon warrants drawn upon the personal property tax fund, as in the case of rebates for taxes paid on other personal property.

Section 170. All provisions of this Act relating to the computation of taxes and the equalization of the assessment of personal property entered upon the personal property assessment roll and the collection by seizure and sale or suit of any deficiency in the amount of taxes collected shall apply in the assessment and taxation of migratory livestock.

Section 171. The provisions of this Act relating to the taxation of migratory livestock shall not apply to livestock in transit through the State by railroad or other means of public

transportation or to livestock sold by the owner thereof in the home county upon which the taxes for the full year have been paid or secured, which said livestock is driven, shipped or transported into another county and there kept or confined in enclosures for the purpose of preparing the same for market.

Section 172. The shares of capital stock of any bank, existing by authority of the United States or of this State and located within this State, or of any building and loan association, trust company or surety and fidelity company organized under the laws of this State and doing business within this State, shall be assessed for taxation where such bank, company, association or other corporation is located and not elsewhere at the full cash value thereof at twelve o'clock meridian on the second Monday of January in each year, except the proportionate parts of any portion of such capital stock or the surplus or undivided profits of such bank, company, association or other corporation which is, at the time of assessment, actually invested in and represented by other property owned by and standing upon the records of the county wherein such shares of capital stock is assessed in the name of such bank, company, association or other corporation and which has been assessed and entered for taxation in said county for the said year, which proportionate part of such portion shall be deducted from the full cash value of such shares of capital stock in listing such capital stock for assessment: *Provided*, That no deduction in the assessed valuation of such shares of capital stock shall be made on account of any property obtained by such bank, company, association or other corporation on foreclosure of any lien or in the settlement of any debt unless it is shown to the satisfaction of the assessor that the amount sought to be so deducted is actually included in the value of such capital stock. Any property so represented in such capital stock, on account of which a deduction has been made in the assessed valuation of the shares of such capital stock, shall be assessed separately at its full cash value as other property.

Section 173. The cashier, secretary or other officers of every such bank, company, association or other corporation shall make and deliver to the assessor, upon demand by him, a written and sworn statement, upon blanks in the form to be prepared by the State Auditor and supplied by the Assessor, showing: The name and location of such bank, company, association or corporation; the number of shares and the par

value of the capital stock paid up; the amount of surplus and undivided profits, less expenses and taxes paid; the full cash value of the capital stock, including the surplus and undivided profits; the amount included in the valuation of such capital stock which is actually invested in or represented by other property which has been assessed and the full description of such property; the valuation of such capital stock, after deducting the amounts included in the valuation thereof, which is actually invested in or represented by such other property; the name and postoffice address of each shareholder and the number of shares of such capital stock owned by each shareholder on the second Monday of January in the year of assessment.

Section 174. The shares of capital stock of any such bank, company, association or corporation shall be assessed in the name of the owners of such shares and entered upon the personal property assessment roll under the name of the bank, company, association or other corporation showing: The full cash value of such capital stock; the amount of any deduction on account of the assessment of property included in the valuation of such capital stock; the name and postoffice address of each shareholder; the number of shares of such capital stock belonging to him on the second Monday of January, as shown by the records of such bank, company, association or corporation and the assessed valuation of the shares of such capital stock after the name of each shareholder and the total assessed valuation for taxation of all shares of such capital stock, with a reference to the book, page and line where the assessment of such property is entered, and the assessed valuation of such capital stock on which the tax levies are to be extended. The persons who appear from the records of such bank, company, association or other corporation to be the owners of such shares of capital stock on the second Monday of January in the year such taxes are levied shall be taken and deemed to be the owners thereof for the purposes of assessment and taxation.

Section 175. Foreign banks and private bankers doing business in this State and having no fixed amount of capital paid in and used permanently in the conduct of such business shall be assessed where located on an amount equal to the general average of money used, as exhibited by daily and monthly

balance sheets during the year, preceding the time of assessment.

Section 176. If the cashier, secretary or other officer of any bank or of any building and loan association, trust company or surety and fidelity company, organized under the laws of this State, or any private banker or the representative of any private bank or private banker fails to make any statements required by this Act, the assessor shall make an arbitrary assessment, which shall be as fair and equitable as he may be able to make from the best information he possesses.

Section 177. All taxes levied on shares of capital stock of such bank, company, association or other corporation or assessed against any private banker or foreign bank or banker shall be collected by the tax collector and paid by such bank, company, association or other corporation in the same manner and at the same time as taxes upon other personal property in the year such taxes are levied, and such bank, company, association or other corporation shall be liable therefor. If such tax is not paid upon demand by the tax collector, the taxes, with interest thereon at the rate of eighteen per centum (18%) per annum from the time of such demand, together with a reasonable attorney's fee, may be recovered as in a civil action brought by the tax collector. The owners of the shares of the capital stock of such bank, company, association or other corporation shall be liable for the taxes on such shares paid by such bank, company, association or other corporation, and such bank, company, association or other corporation and the officers thereof shall have a lien upon such shares of capital stock and on all the right and interest of the owners of said shares in the corporate property of such bank, company, association or other corporation for the amount paid on account of such taxes, which lien may be foreclosed in a proceeding similar to the foreclosure of a chattel mortgage lien, and the amount of taxes so paid and all costs and a reasonable attorney's fee may be recovered in any such proceeding.

Section 178. All taxes upon personal property entered upon the personal property assessment roll, where the owners of such personal property are also the owners of real property in the county, which have not been paid at the time of the annual meeting of the board of county commissioners, as a board of equalization, in November and which said board finds to be a lien upon the real property shall be certified to the county

auditor and the tax collector and so noted opposite the entry of such property upon the personal property assessment roll, and thereupon such taxes must be entered by the tax collector upon the real property assessment roll against the real property subject to such lien in the columns provided for that purpose and must be charged to the tax collector by the county auditor in his account with the tax collector, as other taxes appearing upon the real property assessment roll. The tax collector shall immediately notify the owner of any such real property by mail of any taxes on personal property which have been so entered.

Section 179. The board of county commissioners of each county in this State shall meet as a board of equalization on the first Monday of November in each year for the purpose of equalizing the assessment of all property entered upon the personal property assessment roll and determining complaints in regard to the assessment of such property, and allowing or disallowing exemptions and rebates claimed under the provisions of this Act affecting the assessment of property entered upon said roll, and the said board must complete such business and adjourn on or before the third Monday of November in said year.

Section 180. It is hereby made the duty of the board of county commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this Act to be entered upon the personal property assessment roll and any other property known to have escaped assessment, and in so doing the said board shall examine such personal property assessment roll, name by name, and the valuation of each item of property assessed and shall raise or cause to be raised or lower or cause to be lowered any assessment of such property which, in the judgment of the said board, has not been assessed at its full cash value, and the said board must determine all complaints in regard to the assessment of such property and must examine and act upon all claims for exemptions and rebates filed in accordance with the provisions of this Act and direct the county auditor to draw warrants on the personal property tax fund in settlement of any rebates allowed, which proceeding must be recorded in the minutes of the said board.

Section 181. The tax collector shall be liable upon his offi-

cial bond for the amount of all taxes on personal property which have not been collected or accounted for in his settlement with the board of county commissioners.

If the county treasurer or tax collector is unable to find goods or chattels from which to collect by distress or otherwise, the taxes or any part thereof which may have been assessed upon the personal property of any person or corporation or an executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor on the first day of April following a list of such taxes with his affidavit or the affidavit of the deputy treasurer intrusted with the collection of said taxes stating that he has made diligent search and inquiry for goods and chattels wherewith to make such taxes and was unable to make or to collect the same. The county auditor shall deliver such list and affidavit to the board of county commissioners at their April meeting and they may cancel such taxes.

Section 182. The clerk of the board of county commissioners must keep a record of all proceedings of the said board, as a board of equalization, in the "Minute Book" provided for in Section 1912 of the Revised Codes of Idaho, and must enter all exemptions and rebates allowed and all changes and additions ordered by the said board in the assessment roll in the presence and under the direction of the said board, and, as county auditor, he shall receive the personal property assessment roll from the said board as soon as the business of equalizing such assessments and adjusting such taxes is completed, and after numbering the items or pieces of property, totaling the value thereof in each class, totaling the number of and value of each kind of the different classes of livestock and the amount and value of each class of other property shown in separate columns in the assessment roll and totaling the value of all property exempt under subdivisions D, G, H, I and J of Section 4 of Article One, Chapter 58 of the Session Laws of 1913, charging the amount of said taxes against the tax collector and turning the same over to the tax collector for the collection of the taxes as shown thereon, and shall apportion the money remaining in the personal property tax fund after deducting the amount of all rebates allowed by the said board among the several funds and accounts, as in the case of other taxes levied for that year, and notify the county treasurer of such apportionment, and the county auditor and county treas-

urer must each make the necessary entries upon their books to properly distribute the money among the funds and accounts entitled to share in its distribution.

Section 183. Any member of the board of county commissioners who knowingly permits any assessment to stand or permits any alteration to be made whereby property is assessed at more or less than its full cash value, or permits any unjust rebates to be made, or permits any incomplete or unjust settlement with the assessor to stand shall be guilty of a misdemeanor and of malfeasance in office, for which he may be removed from office in the manner provided by law for the summary removal of public officers from office.

Section 184. The county auditor must add up the columns of amounts and values of each kind and class of property and of all property and the amount of taxes, rebates and exemptions and prepare an abstract of all the property entered upon the personal property assessment roll, including property exempt under subdivisions D, G, H, I and J of Section 4 of Chapter 58 of the Session Laws of 1913, showing the total number of items or pieces of property and the total value thereof in each class, the total number and value of each kind of the different classes of livestock and the amount and value of each class of other property, shown in separate columns in the assessment roll, and the total value of all property exempt under subdivisions D, G, H, I and J of Section 4 of Chapter 58 of the Session Laws of 1913, as determined by the board of county commissioners.

The abstract of taxes provided for in this section must be prepared by the county auditor in duplicate and duly verified upon blanks supplied by the State Auditor and must show a correct classification of all the property, in accordance with the classification of such property upon the assessment roll, and all matters and things required to be shown upon such abstract must be entered in proper spaces and columns provided for that purpose in said blank.

Section 185. The county auditor must complete said abstract and transmit the original abstract by registered mail to the State Auditor on or before the fourth Monday of December in the year in which the assessment is made and file the duplicate abstract in his office, and the State Auditor shall, upon receipt of said original abstract, file the same in his of-

office as Secretary of the State Board of Equalization, and shall determine the total amount of all special state taxes levied for the current year upon property entered upon the personal property assessment roll as shown in the county auditor's abstract of the assessment and shall, on or before the first Monday of January thereafter, transmit by registered mail to the county auditor of each county in this State a certified statement of the amount of all such special state taxes apportioned to such county, and the county auditor shall, upon receipt of such certified statement, file the same in his office.

Section 186. Any county auditor who shall knowingly make an untrue or incorrect abstract of the property required under the provisions of this Act to be entered upon the personal property assessment roll or fail to transmit such abstract within the time prescribed by this Act and any State Auditor who shall knowingly make an incorrect statement of any state taxes due on property entered upon the personal property assessment roll or fail to transmit such statement to the county auditor, as prescribed by this Act, shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the State.

SEC. 2. That Article X of Chapter 58 of the Laws of 1913 be and the same is hereby amended to read as follows:

ARTICLE X.

SEIZURE AND SALE OF PERSONAL PROPERTY FOR TAXES.

Section 188. In case any person refuses to pay the tax levied on any personal property belonging to him, when demanded by the tax collector, the tax collector shall notify the sheriff and the sheriff must seize and sell so much of such personal property or any other property of such person as will be sufficient to pay such tax, as estimated by the tax collector.

Section 189. The sale must be made by the sheriff after one week's notice of the time and place thereof, given by publication in a newspaper of general circulation in the county or by posting in three public places, and must be at public auction for cash, and each article seized must be sold separately to the highest bidder.

Section 190. In such seizure and sale the sheriff shall collect from the proceeds of the sale, in addition to the estimated

amount of taxes, all costs and expenses incurred in publishing or posting the notices of such sale, in making such sale and in keeping and caring for such property, together with the sheriff's fee in such amount as is provided by law as the fee for the sheriff upon other sales of personal property by the sheriff.

Section 191. On payment of the amount bid for the property sold the sheriff shall make out and deliver a bill of sale thereof which, with the delivery of the property sold, vests title thereto in the purchaser.

Section 192. In the event of the refusal of any bidder to pay the amount bid and complete his purchase the sheriff may either sue such purchaser upon his bid or forthwith offer the property for re-sale.

Section 193. In the event that the property seized shall not bring sufficient money to pay the taxes and costs the sheriff may seize and sell in like manner additional property liable for the tax.

Section 194. All excess over the taxes and costs of the proceedings of any sale must be returned to the owner of the property or deposited in the county treasury and apportioned to the personal property tax fund to be refunded by order of the board of county commissioners, as in the case of refund of excess taxes paid on other personal property. Any unsold portion of any such property may be left at the place of sale at the risk of the owner.

Section 195. In the event that no person bids on any property offered for sale or if such property, in the judgment of the sheriff, exceeds in value the amount of the highest bid made therefor and the sheriff deems it for the best interest of the county he shall bid in such property himself for the county, and the same may be afterwards disposed of by the sale in the same manner as other personal property belonging to the county: *Provided, however,* That the sheriff shall not buy in any property for the county when a sufficient sum to defray the taxes and costs of sale, including the sheriff's fee, is bid therefor.

Section 196. In lieu of the seizure and sale of personal property, as provided for in this Act, the tax collector may collect the estimated amount of taxes on such property, together with the cost of the suit, by suit in the name of the county, in which suit an attachment may be issued against any property

belonging to the owner of such personal property. It shall be the duty of the county attorney, upon request of the tax collector, to forthwith commence and diligently prosecute such suit.

Section 197. In any suit prescribed in the preceding section a copy of the assessment, certified by the assessor of the county wherein the property was assessed, with an affidavit of the tax collector thereto attached that the taxes thereon have not been paid, is prima facie evidence that such taxes are due and entitles him to judgment, unless the defendant proves that the taxes have been paid or that the property was not taxable.

SEC. 3. That Article 11 of Chapter 58 of the laws of 1913 be and the same hereby is amended to read as follows:

ARTICLE XI.

SETTLEMENT OF REVENUE OFFICERS.

Section 198. At such time and in the manner provided by law for the tax collector to report the taxes collected on real property shall the tax collector report to the county auditor for all moneys collected on account of taxes collected on personal property entered upon the personal property assessment roll, and such tax collector shall make a detailed statement, under oath, on blanks to be supplied by the State Auditor showing the number and amount of all receipts issued and the amount of money collected for state purposes and county purposes and for every city, town, village, school district, road district or other taxing districts since his last settlement, and must pay all such moneys into the county treasury upon the certificate of the county auditor, to be apportioned as provided in this Act. The assessor must have final settlement with the board of county commissioners at the annual meeting of such board as a board of equalization in November for all taxes on any real or personal property which, on account of his neglect, has escaped assessment, and for all taxes on property which, under the provisions of this Act, is required to be entered upon the personal property assessment roll, and has a final settlement with the county auditor. The assessor shall be liable upon his official bond for the amount of all taxes on any and all property which, on account of his neglect, has escaped assessment.

Section 199. On the first Monday of each month the tax

collector must settle with the county auditor for all moneys collected on account of taxes levied on property entered upon the real property assessment roll and the personal property assessment roll and make a detailed statement under oath, upon blanks in the form to be supplied by the State Auditor, showing the amount of money collected for state purposes and county purposes and for every city, town, village, school district, road district or other taxing district since his last settlement, with reference to the pages in the collection register where such collections are entered, and must pay all such moneys into the county treasury upon the certificate of the county auditor, to be apportioned as provided in this Act. The tax collector must have a final settlement with the county auditor on the third Monday of January in each year for all taxes entered upon the real property assessment roll and the personal property assessment roll of the preceding year, which settlement must be passed upon by the board of county commissioners, as provided in this Act.

Section 200. The county auditor must, on the second Monday of each month, transmit to the clerk of every incorporated city, town or village and every independent school district and every other taxing district having a treasurer whose duty it is to receive, keep and disburse all moneys belonging to it, an order on the county treasurer, prepared upon blanks in the form supplied by the State Auditor, in favor of the treasurer of such incorporated city, town or village or independent school district or other taxing district for the amount of all moneys paid into the county treasury and apportioned to such incorporated city, town or village or independent school district or other taxing district on and after the second Monday of the preceding month, and, at the same time, shall also make out and transmit to such clerk a statement in duplicate showing from what sources such money was received and the amount received from each source, which statement must be made upon blanks in the form to be supplied by the State Auditor and duly sworn to before an officer authorized to administer oaths. Upon receipt of such order and statements the said clerk shall countersign such order and deliver the same, together with the duplicate statement, to the said treasurer and file the original statement in his office. The said order, when countersigned by said clerk, shall be payable to such treasurer upon presentation to the county treasurer, and the

county treasurer shall return such order as his voucher for any such payment in his regular monthly settlement with the county auditor, as provided by law.

Section 201. On the second Monday of each month the county auditor must make out, upon blanks in the form supplied by the State Auditor, and deliver to the county treasurer of his county an order directing such county treasurer to transmit to the State Treasurer all moneys in the county treasury belonging to the State, and shall also make out a statement of all moneys belonging to the State paid into the county treasury on and after the second Monday of the preceding month, showing from what sources such money was received and the amount received from each source, which statement must be made in duplicate, upon blanks supplied by the State Auditor, and must be duly sworn to before an officer authorized to administer oaths. The original of such statement shall be transmitted to the State Auditor and the duplicate thereof shall be delivered to the county treasurer with the order hereinbefore prescribed. The county treasurer shall, upon receipt of such order and duplicate statement, transmit the amount due the State, as shown in such order, to the State Treasurer, together with the duplicate auditor's statement, and shall, upon receipt of the State Treasurer's receipt for the amount transmitted, attach such receipt to the county auditor's order and return such order, with the State Treasurer's receipt attached thereto, as his voucher for such payment his regular monthly settlement with the county auditor, as provided by law. Any necessary expense incurred in transmitting money to the State Treasurer, as herein provided, shall be a legal claim against the county.

Section 202. Any tax collector who shall neglect or refuse to make any payments or settlements within ten (10) days after the time prescribed therefor in this Act shall forfeit the sum of One Thousand Dollars, to be recovered upon his official bond for the use of the county, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this Act or any law of this State.

Section 203. Any county auditor who shall neglect or refuse to transmit any order or sworn statement to the clerk of any incorporated city, town or village or independent school district or other taxing district, as prescribed in Section 200

of this Act, within ten (10) days after the time prescribed therefor and any county treasurer who shall refuse to pay any such order issued for the proper amount and duly countersigned by the said clerk upon its presentation at his office shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of such incorporated city, town or village or independent school district or such other taxing district, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this Act or any law of this State.

Section 204. Any county auditor who shall neglect or refuse to deliver the order and duplicate sworn statement to the county treasurer or to transmit the original statement to the State Auditor and any county treasurer who shall neglect or refuse to transmit the amount due the State, together with the duplicate sworn statement, to the State Treasurer, as prescribed in Section 201 of this Act, within ten (10) days after the time prescribed therefor, shall forfeit the sum of one thousand dollars, to be recovered upon his official bond for the use of the State, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this Act or any law of this State.

SEC. 4. All acts and parts of acts inconsistent with this Act are hereby repealed: *Provided, however,* That all acts and parts of acts inconsistent herewith which have been in effect immediately prior to the approval of this Act shall be continued and are hereby continued in effect for the collection of the taxes levied and collectable for the year 1916 and prior years: *And, Provided,* That the taxes levied and collectable for the year 1916 and for prior years are not paid on the date of the approval of this Act, and all subsequent proceedings for the collection of such taxes, including penalties for delinquencies, publication of delinquent lists, sales and redemption and issuance of tax deeds shall be in force under and governed by the law as it existed prior to the passage and approval of this Act, and such law is hereby expressly continued in force for such purposes notwithstanding the repeal provided for in this section, and this Act shall apply to and govern all proceedings for the assessment, equalization, levy and collection of taxes and other matters herein provided for after the year 1917 and subsequent years.

SEC. 5. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 56.

(H. B. No. 210.)

AN ACT

AMENDING SECTIONS 4, 10, 16 AND 17 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FISH AND GAME WARDEN, ASSISTANTS AND DEPUTY WARDENS, DEFINING THEIR DUTIES AND FIXING THEIR COMPENSATIONS; TO PROVIDE A SYSTEM OF LICENSES FOR FISHING AND HUNTING AND A SYSTEM OF PERMITS FOR SHIPPING GAME AND FISH; AND DEFINING THE DUTIES OF CERTAIN OFFICERS AS TO SUCH LICENSES AND PERMITS; ALSO TO PROVIDE FOR THE PRESERVATION, PROTECTION AND PROPAGATION OF FISH AND GAME; TO PROVIDE FOR THE MAINTENANCE AND OPERATION OF STATE FISH HATCHERIES AND DISTRIBUTION OF FRY TO THE VARIOUS WATERS OF THE STATE OF IDAHO; TO PROVIDE FOR SUPERINTENDENTS AND ASSISTANTS FOR SUCH HATCHERIES; TO PROVIDE FOR PRIVATE GAME AND FISH PARKS AND PONDS AND FOR THE ISSUING OF PERMITS FOR THE SELLING AND TRANSPORTATION OF CERTAIN FISH; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT AND TO APPROPRIATE MONEY TO CARRY OUT THE PROVISIONS OF THIS ACT; AND TO REPEAL PREVIOUS LEGISLATION RELATIVE TO THE SUBJECT OF FISH AND GAME," APPROVED MARCH 11, 1909, AMENDING SECTIONS 2, 3, 5, 7, 8, 9 AND 20 OF SAID ACT, APPROVED MARCH 11, 1909, AS AMENDED BY SECTIONS 1, 2, 3, 4, 5, 6 AND 9, RESPECTIVELY, OF THE ACT OF THE ELEVENTH SESSION OF THE LEGISLATURE, APPROVED MARCH 9, 1911, PAGE 171; AMENDING CHAPTER 90 OF THE LAWS OF 1915 ENTITLED "AN ACT MAKING IT UNLAWFUL FOR ANY PERSON OR PERSONS TO PURSUE, HUNT, KILL OR CAPTURE ANY ELK, YEARLING ELK, FEMALE OR DOE DEER, SPOTTED FAWN OR YEARLING DEER AND MOUNTAIN SHEEP, AND PROVIDING A PENALTY THEREFOR," DECLARING THAT NOTHING IN THIS ACT SHALL REPEAL OR AFFECT ANY LAW OR LAWS NOW IN FORCE RELATIVE TO THE PROTECTION OF FISH OR GAME IN PARTICULAR LOCALITIES OR COUNTIES, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an act of the Tenth Session

of the Legislature, approved March 11, 1909, Laws of 1909, page 85, as amended by Section 1 of an act of the Eleventh Session of the Legislature, Chapter 62, Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 2. The State Fish and Game Warden shall have the power to appoint such deputies as are necessary in the various counties of the State to properly enforce the law. He may appoint one chief deputy and as many assistant chief deputies, not to exceed six (6), as he may deem necessary. The State Fish and Game Warden shall file with the Governor of the State a list of all such officers appointed by him and said officers so appointed by the State Fish and Game Warden shall be subject to removal by him at any time. He further shall have the power to appoint one chief clerk and such additional clerks as may be necessary to perform the clerical duties devolving upon his department. Said chief clerk shall execute a bond to the State of Idaho in the penal sum of Three Thousand Dollars (\$3,000.00) conditioned upon the faithful performance of his duties, and such additional clerks may be required to execute similar bonds if deemed advisable by the State Fish and Game Warden.

SEC. 2. That Section 3 of said act of the Tenth Session of the Legislature, approved March 11, 1909, Laws of 1909, page 85, as amended by Section 2 of an act of the Eleventh Session of the Legislature, approved March 9, 1911, Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 3. The State Fish and Game Warden is hereby authorized and directed to maintain the fish hatcheries heretofore established by the State at Hay Spur, Blaine County, and Sandpoint, Bonner County, for the purpose of hatching, propagating and distributing food and commercial fishes and for the purpose of raising and distributing game birds and such game animals as can be reasonably raised on the premises occupied by said hatcheries: *Provided*, That other suitable places and preserves for the care of said game animals and birds may be selected by the State Fish and Game Warden with the approval of the Governor. The State Fish and Game Warden shall have supervision over all fish culture matters of a public nature and shall receive and provide for the care and distribution of such food fishes or ova of the same or such game birds and animals as shall come into possession of the State.

He shall also obtain ova or fry of such fish at such places and of such variety as he may deem most suitable to the waters of this State and shall have the same hatched at the State hatcheries and shall distribute the same in a prudent and equitable manner throughout the different waters of the State. He shall appoint a superintendent for each hatchery and such assistants as may be necessary and such superintendents of hatcheries shall execute a bond to the State of Idaho in the penal sum of One Thousand Dollars (\$1,000.00) conditioned for the faithful performance of their duties. All superintendents and assistants of fish hatcheries appointed under this Act shall devote their entire time to the duties of their office and they shall not engage in any manner whatever in the operation of any private or public fish hatcheries other than that for which they are appointed, unless so ordered by the State Fish and Game Warden, and they shall not be entitled to have any holding or own any private fish ponds, lakes or streams of this State, nor shall they engage in the selling or disposal of any fish whatever, except in the duties of their office or as directed by the State Fish and Game Warden.

The State Fish and Game Warden shall have the power at any time when it is desired to introduce any new species of game animals, fur-bearing animals, birds or fish or at any time he deems it advisable for the greater protection of any species of game animals, fur-bearing animals, birds or fish of the State of Idaho to suspend the open season in any county within the State upon petition by a majority of the taxpayers in that county to be closed upon petition shall declare a closed season for the shooting of or angling for any such kind or species of wild game animals, birds or fish for such period as the said petition may designate. During the suspension of any open season by the State Fish and Game Warden all provisions of law relating to the closed season on such game animals, birds or fish shall be in full force and effect, and any person violating any of such provisions shall be guilty of a misdemeanor. Any such order declaring the suspension of an open season, as herein provided, shall be published in at least one newspaper of general circulation in each county affected by such order for at least two consecutive weeks and such order shall be posted in such public places in each county as the State Fish and Game Warden may direct and as will be most likely to give notice to the residents of said county or part of

county or district of the suspension of such open season. The closed season, however, on sage hens shall continue uninterruptedly until August 15, 1921.

SEC. 3. That Section 4 of an act of the Tenth Session of the Legislature, Laws of 1909, page 85, approved March 1, 1909, be and the same is hereby amended to read as follows:

Section 4. It shall be unlawful for any person or persons to wantonly waste or destroy any of the fish and game of this State or to take, kill, capture or destroy at any time of the year any of the game animals, fish or birds in excess of the number hereinafter provided. Any person, association or corporation may establish, maintain or own a private park, lake or stream for fish, game or both on premises owned by him or it, respectively, and to that end may employ means to preserve and propagate such fish and game, and it shall be a misdemeanor to trespass thereon: *Provided*, That no private park or pond shall be established under the provisions of this Act so as to contain any lands or waters where wild game or food fish naturally abound, and it shall not be construed so as to permit any person or persons to barter or sell at any time of the year any native or mountain trout, whether raised in private parks or ponds or in any other waters within the State, except Bear Lake trout, and in case of such fish taken from the said lake the same may be sold upon a permit being obtained from the State Game Warden, as provided for hereinafter. It is further provided that the owner or owners of private parks or ponds or any other person or persons may barter or sell any kind of fish raised or grown in such private fish parks or ponds, except native or mountain trout. It is further provided that the owner or owners of such private fish parks or ponds shall, before selling any fish from the same, make application, showing the State Game Warden by affidavit describing accurately such pond or ponds, where located, when such pond or ponds were started and stocked with fish, from whence the fish were procured, the kind of fish to be sold or shipped, the railroad station from which he desires to ship such fish, and upon a satisfactory showing being so made to the State Fish and Game Warden that such private park or pond is in fact a private park or pond, within the meaning of this Act, and the fish desired to be shipped have been raised in such pond, and upon the payment of the sum of

Ten Dollars (\$10.00), the State Fish and Game Warden shall issue to the owner or owners of such private park or pond a permit to ship such fish. Said permit must contain the date when issued, to whom issued, the number, the name and location of the park or pond from whence the fish are to be shipped and also the station from which the shipments are to be made: *Provided further*, That in cases where private parks or ponds have been established upon lands and waters where wild game and food fishes naturally abound, prior to January 1, 1903, the State Game Warden may, in his discretion, upon an investigation, issue permits and allow the owners of said ponds to sell fish from said ponds not prohibited by this Act. It is also provided that Bear Lake trout, Pend d'Oreille whitefish and Priest Lake whitefish lawfully taken in accordance with the provisions of this Act, may be sold upon a permit issued by the State Game Warden under the same terms and conditions as provided for the issuance of permits to the owners of private parks or ponds, and it shall be unlawful for any person, association or corporation to sell or ship Bear Lake trout, Priest Lake whitefish or Pend d'Oreille Lake whitefish without having first obtained said permit from the State Game Warden.

All permits shall continue in force from the date of issuance until the 31st day of March following their issue and may be revoked at any time by the State Fish and Game Warden where he has knowledge that native or mountain trout have been sold from said ponds, or for any other good cause. Such permits shall be issued in triplicate, one copy to be given to the seller or shipper, one to the railroad or express agent at the station from which the shipments are to be made and the third copy to be placed on file in the State Game Warden's office. A copy of the bill of lading for each and every shipment must be delivered or mailed by the shipper to the State Game Warden on the day the shipment is made. It is further provided that it shall be a misdemeanor for any express company, railroad company or other transportation company or other common carriers of any kind to receive any fish of any kind whatever for shipment without first securing and having in their possession a duplicate of the shipping permit hereinbefore described. And it shall be a misdemeanor to take fish or spawn from any of the lakes or

streams of this State and place them in private parks or ponds at any time of the year, and it shall be a misdemeanor for any person or persons to sell or offer for sale any fish not propagated or grown in a private park or pond, as above described, except as hereinbefore provided.

SEC. 4. That Section 5 of said act, approved March 11, 1909, as amended by Section 3 of an act of the Eleventh Session of the Legislature, being Chapter 62 of the Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 5. It shall be a misdemeanor for any person or persons to catch or kill any species of fish whatever in any streams, rivers, lakes, reservoirs or waters of this State with any seine, net, spear, weir, fence, basket, trap, gill-net, dip-net, or any other contrivance, except as hereinafter provided. It shall be lawful, however, to catch or take salmon from Lewiston, Idaho, as far up Snake River as Shoshone Falls, and in the Clearwater river as far up stream as the river is meandered, except from April 16th to May 31st of each year, both dates inclusive, with seines or nets of which the meshes shall not be less than six (6) inches in length when elongated or drawn by two opposite corners across the mesh. It shall be lawful to take fish with a seine, net or set line from the waters of Bear Lake except during the months of April and May of each year: *Provided, however,* That it shall be a misdemeanor to take fish from the waters of the said Bear Lake or to fish therefor with such seine, net, set line or other contrivance within four hundred (400) yards of the mouth of any stream flowing into the said Bear Lake, and the limit upon the amount of fish that may be taken in any one day or the amount of fish a person may have in his possession at any one time does not apply to Bear Lake or any unprotected fish taken from Bear Lake. It shall be lawful to seine for whitefish, herring, carp or squawfish under the supervision or by the order of the State Fish and Game Warden or his deputies in any of the streams, lakes or ponds of the State where it is deemed they are sufficient in number as to be destructive to the trout or other game fish. The fish so taken shall be disposed of under the direction of the State Fish and Game Warden or his deputies and one-half of all the moneys received from the sale of such fish by the State Fish and Game

Warden or his deputy shall be turned into the State fish and game fund unless otherwise provided, and the other half of such moneys shall be turned over to the party or parties catching said fish.

It shall be lawful to catch any kind of fish with a hook and line attached to the pole and held in the hand at any time of the year: *Provided, however,* That it shall be unlawful to catch trout in any manner during the months of April and May of each year in any waters of this State, except lakes and navigable streams. For the purpose of this Act the following streams or parts of streams are declared navigable streams: Clearwater River as far up as the town of Lowell, North Fork of Clearwater River as far up as the mouth of the Little North Fork, Salmon River as far up as the Sun Beam Dam, St. Joe as far up as the mouth of Marble Creek, Snake River as far up as the town of Ashton, the South Fork of Snake River as far up as the Wyoming State Line, Payette River as far up as the town of Banks, Boise River as far up as the Arrow Rock Dam and all of that portion of the Kootenai River which is in the boundaries of the State of Idaho.

It is further provided that salmon or whitefish may be speared or caught on a snag hook. It shall be a misdemeanor to catch any kind of fish through the ice at any time of the year except from the following lakes and rivers: Bear Lake, Priest Lake, Pend d'Oreille Lake and Kootenai River, Clearwater River as far up as the town of Lowell, North Fork of Clearwater River as far up as the mouth of the Little North Fork, Salmon River as far up as the Sun Beam Dam, St. Joe River as far up as the mouth of Marble Creek, Snake River as far up as the town of Ashton, the South Fork or Snake River as far up as the Wyoming state line. It shall be unlawful to fish through the ice for trout in any of the aforesaid waters except the Kootenai River and Bear Lake.

It shall be a misdemeanor to fish within three hundred (300) feet of a fish ladder or dam in any stream.

It shall be unlawful for any person to catch from the public waters more than twenty (20) pounds of trout, bass, catfish, grayling, perch or sunfish in any one day or to have in his possession more than thirty (30) pounds of these fish so taken at any one time, or to have more than twenty (20) pounds of smoked or dried fish in his possession at any time.

In computing the number of pounds of fish which any person may catch or have in his possession under the provisions of this Act the fish shall be weighed dressed with the heads on. If the heads have been removed from said fish, it shall be unlawful for any person to have in his possession more than fifteen (15) pounds of said fish taken in any one day or more than twenty (20) pounds of said fish so taken at any one time. It shall be unlawful to kill or destroy or have in possession for any purpose any trout or black bass from the public waters less than four (4) inches in length, and the possession of such fish shall be a misdemeanor.

It shall be a misdemeanor for any person to fish for trout from the back of any animal or to travel up or down in any stream on the back of any animal while fishing for trout.

SEC. 5. That Section 7 of an act of the Tenth Session of the Legislature, approved March 11, 1909, page 85, as amended by Section 4 of an act of the Eleventh Session of the Legislature, approved March 9, 1911, Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 7. It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any Hungarian, English, Chinese, ringneck or Mongolian pheasant, fool hen or any species of grouse whatever in the State of Idaho except as hereinafter provided. It shall be lawful, however, for any person or persons to kill Chinese or Mongolian pheasants in the Counties of Ada, Canyon, Gem, Gooding and Nez Perce between the first day of November and the tenth day of November of each year, both dates inclusive. But no person shall kill or have in his possession more than two of these birds in any one day or at any time sell or offer to sell any of said birds.

It shall be unlawful for any person or persons to kill any quail within the State of Idaho prior to November 1, 1920. Thereafter, however, it shall be lawful during the month of November of each year to kill not more than eight (8) of these birds in any one day or to have more than eight (8) in his possession at any one time, or to sell at any time: *Provided, however,* That nothing in this Act shall be construed as creating any open season on quail in any county or counties of the State of Idaho in which the capture, killing or destruction of quail has been specifically prohibited by an act of the Legislature.

It shall be unlawful for any person or persons to kill or destroy any partridge, pheasant or grouse in the State of Idaho except between the 16th day of August and the 31st day of October of each year, both dates inclusive, or any turtle dove except from the first day of August to the 30th day of September, inclusive, and it shall be unlawful to kill in any one day or to have in his possession at any time more than a total number of six (6) of the following birds, all told: Partridge, pheasant, grouse or turtle dove. It shall be unlawful for any person or persons to kill or destroy any species of wild duck, goose, woodcock, black-breasted and golden plover, yellow legs, Wilson or jack snipe in the State of Idaho, except from the sixteenth day of September to the thirty-first day of December of each year, both dates inclusive, or to kill in any one day or have in his possession at any one time more than twelve (12) ducks, two (2) geese, six (6) black-breasted and golden plover, six (6) yellow legs, six (6) Wilson or jack snipe, or to kill in any one day or have in his possession at any one time a total of more than fifteen of all or any of said birds.

It shall be unlawful to kill any of the following migratory birds prior to December 7, 1926: Band-tailed pigeons; little brown, sandhill and whooping cranes; swans; curlew and all shore birds except the black-breasted and golden plover; Wilson or jack snipe; woodcock, and the greater and lesser yellow legs.

It shall be unlawful for any person or persons to destroy the nests or the young birds of any game birds or to molest such game birds or their young during the breeding season, and any person or persons found guilty of destroying the nests or destroying the game birds or their young during the breeding season or when such birds are protected by law shall be guilty of a misdemeanor.

It shall be unlawful for any person to have in his possession any game, dead or alive, during the closed season for such game except as hereinafter provided. Any person having in his possession any game, dead or alive, during such closed season, shall be guilty of a misdemeanor, unless the taking of such game has been authorized by the State Game Warden.

It shall be unlawful for any person or persons to ensnare or trap any of the birds protected by this Act at any time of the year.

It shall be a misdemeanor for any person or persons to shoot any migratory birds between the hours of sunset and sunrise.

It shall be a misdemeanor for any person or persons to hunt for, shoot, kill or capture any ducks, geese or migratory birds while in a launch or boat of any kind propelled by means of steam, gasoline, electricity or other mechanical power.

SEC. 6. That Section 8 of an act of the Tenth Session of the Legislature, approved March 11, 1909, Laws of 1909, page 85, as amended by Section 5 of an act of the Eleventh Session of the Legislature, approved March 9, 1911, Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 8. It shall be unlawful for any person or persons to pursue, capture or kill within the State of Idaho any moose, buffalo, antelope, caribou, beaver, mountain sheep or otter at any time: *Provided, however,* That upon a satisfactory showing being made to the State Fish and Game Warden that beaver in any locality are damaging any irrigation canals, crops, etc., the State Fish and Game Warden may, in his discretion, issue a permit for the taking of such number of beaver as in his judgment will stop the damage to such property, and the pelts so taken shall be turned over to the State Fish and Game Warden and sold by him, and the amount received by him for such pelts shall be divided as follows: Fifty per cent (50%) to be credited to the State Game Fund and fifty per cent (50%) to the party or parties trapping the beaver. It shall be unlawful for anyone to have beaver or otter hides in his possession during the time of the closed season, and any person or persons having such hides in their possession shall be guilty of a misdemeanor.

It shall be unlawful for any person or persons to pursue, hunt or kill any deer, elk or mountain goat at any time, except between the sixteenth day of September and the thirtieth day of November of each year, both dates inclusive: *Provided, however,* That it shall be unlawful to pursue, hunt or kill elk in Idaho County except during the month of November of each year: *Provided, also,* It shall be unlawful to hunt, pursue or kill deer in the County of Fremont at any time during the year: *Provided also,* That it shall be unlawful for any person or persons to hunt, pursue or kill any deer within the Counties of Boundary, Bonner, Benewah, Kootenai, Shoshone, La-

tah, Lewis, Nez Perce and Clearwater except from the sixteenth day of October to the thirty-first day of December of each year, both dates inclusive. It shall be unlawful at any time to kill or capture any deer, elk, mountain sheep or mountain goat by means of any pitfalls, trap or snare or at any deer-lick, and it shall be unlawful at any time of the year for any person or persons to hunt, capture or pursue with dogs any of the animals herein mentioned. Any person or persons violating the provisions of Section 8 shall be guilty of a misdemeanor.

It shall be unlawful for any person at any time to have in his possession more than thirty (30) pounds of dried, smoked, evaporated, jerked venison or deer meat or more than sixty (60) pounds of dried, smoked, evaporated or jerked elk meat.

It shall be unlawful for any person or persons, subject to the exceptions hereinafter contained, to hunt, trap or angle for or kill or take any of the wild animals, birds or fish of this State or have in his possession for the purpose of hunting, any shot gun, rifle or other fire-arms other than side arms while in the field or forest in the State of Idaho without first having procured a license as hereinafter provided, and upon the request of the State Fish and Game Warden or his deputies such license must be produced for inspection. It shall be unlawful for any person under the age of twelve (12) years to have in his possession any shot gun, rifle or other firearms while in the field or forest or in any tent, camp, auto or any other vehicle in the State of Idaho. Any citizen or bona fide resident over the age of twelve (12) years who has been such for a period of six (6) months past preceding the application for a license upon the payment of One Dollar (\$1.00) to the State Fish and Game Warden or to any deputy warden shall be entitled to receive from the officer to whom such payment is made a rod and gun license which shall permit such person to pursue, hunt and kill any of the game animals or birds mentioned in this Act during the time when it shall be lawful to kill the same in any of the counties of this State, subject to the limitations as to the number of each kind of animals or birds provided herein, and to catch fish with a hook and line according to the provisions of this Act. Such license shall not be transferred to any other person, and it shall be a misdemeanor for any such officer to issue a receipt in lieu of such license.

Any person who is an alien who desires to have a rifle in his possession while in the field or forest or in any tent or camp in the State of Idaho shall, upon payment to the State Fish and Game Warden or any deputy warden of the sum of Twenty-five Dollars (\$25.00), be entitled to receive from such officer to whom payment is made a non-resident or alien big-game license, which license shall permit such person to have such firearm in his possession and to pursue and hunt or kill such number of each kind of big game as hereinafter provided during the time in such current year when it shall be lawful to kill such animals. Such license shall state the name and place of residence of the holder thereof and shall not be transferred to any other person.

Any person who is an alien and who desires to have a shotgun in his possession while in the field or forest or any tent or camp in the State of Idaho shall, upon payment to the State Fish and Game Warden or any deputy game warden of the sum of Seven Dollars and Fifty Cents (\$7.50), be entitled to receive from such officer to whom payment is made a non-resident or alien bird license, which shall permit such person to have such firearm in his possession and to pursue, hunt or kill such number of each kind of birds as herein mentioned during the time in each year when it shall be lawful to kill such birds, as provided in this Act.

Any person, regardless of age or sex, who is a non-resident of the State of Idaho, shall, upon the payment of Twenty-five Dollars (\$25.00) to the Fish and Game Warden or any deputy game warden, receive a non-resident big game license which shall permit such person to pursue, hunt or kill such number of each kind of big game as permitted in this Act, during the time in such current year when it shall be lawful to kill such animals. Such license shall state the name and place of residence of the holder thereof and shall not be transferred to any other person. Any person, regardless of age or sex, who is a non-resident of the State of Idaho, shall, upon payment of Seven Dollars and Fifty Cents (\$7.50) to the Fish and Game Warden or any deputy warden, receive a non-resident bird license which shall permit such person to pursue, hunt or kill such number of each kind of birds as herein mentioned during the time in each year when it shall be lawful to kill such birds.

Any person, regardless of age or sex, who is a non-resident of the State of Idaho or an alien shall, upon payment of Five Dollars (\$5.00) to the State Fish and Game Warden or any deputy warden, be entitled to receive from the officer to whom such payment is made a non-resident fishing license which license shall permit the holder thereof to catch fish with hook and line only, as provided in this Act.

All licenses shall be substantially in the following form, to-wit: (See insert)

Any person certifying falsely to the foregoing statement shall be guilty of a misdemeanor.

All licenses shall be printed as directed by the State Auditor with two stubs, one stub to be retained by the person issuing such license and the other to be returned to the State Fish and Game Warden. The State Fish and Game Warden shall distribute such licenses to the persons authorized to issue the same, and shall charge such persons with the full value thereof, and such persons shall be responsible for all sums received by them from the sale of such licenses as well as for the return of all unsold licenses and shall be liable upon their official bonds, and should any person fail to account for the same any sum remaining due by reason of such failure may be recovered from such person or his bondsmen in a civil action. All persons authorized to sell licenses, except the State Fish and Game Warden, his chief deputy, assistant chief deputies and clerk shall be entitled to receive a commission of twenty (20) per cent upon all licenses amounting to less than Five Dollars (\$5.00) and a commission of ten (10) per cent upon all licenses amounting to Five Dollars (\$5.00) or more, to be retained by them as compensation for the sale of such licenses. Such licenses shall have printed on the back thereof a short synopsis of this Act. All female persons and all children under the age of twelve (12) years, residents of the State of Idaho, may take fish and all veterans of the Civil War may take fish and game under the provisions of this Act without procuring a license as provided by this Act. All licenses under the provisions of this Act shall expire on the thirty-first day of March next following the date of their issue.

SEC. 7. That Section 9 of an act of the Tenth Session of the Legislature, approved March 11, 1909, Laws of 1909, page 85, as amended by Section 6 of an act of the Eleventh Session of the Legislature, approved March 9, 1911, Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 9. It shall be unlawful during the open season of the year for any person to hunt, kill or capture more than one elk, one deer, one ibex and one mountain goat, and all licenses issued by authority of the State, as provided for in this Act, shall state the number of such kind of animals that may be killed by the holder of such license. Every person who shall

have procured and paid for a license, as provided for in this Act, shall be entitled to the use and possession of the whole or any part of any animal killed in accordance with the provisions of this Act, and any hunter who shall have first procured a license as herein provided shall be entitled to keep or carry or ship within or without the State the skins, heads or horns or any parts of animals killed in compliance with the provisions of this Act: *Provided*, That as soon as any such animal is killed such person must detach from his license and attach to the carcass of such animal the appropriate coupon furnished him with his license, and said coupon so attached shall be authority to the railroad or other carrier receiving such shipment to accept the same for shipment: *Provided further*, That after any such animal or portion of animal has once been shipped to any point within this State under the authority and in the manner hereinbefore provided and the consignee or owner thereof desires to reship the same to any point within or without this State such person shall procure from any game warden or deputy game warden a permit of a form prescribed by the State Fish and Game Warden, authorizing such person to reship any animal or any part of any animal killed in compliance with the provisions of this Act. Such permit may be procured by the shipper upon a sworn statement to the officers from whom he obtains the permit that the game desired to be reshipped was not procured contrary to any of the provisions of this Act and that the same has once been shipped under the provisions of this Act. Said affidavit shall contain the number and date of the owner's license and the date and place of former shipment and delivery. Said form of affidavit shall be printed upon the permit and be a part thereof. The officer issuing such permit shall make the same out in duplicate and shall at once transmit a copy of said permit to the State Fish and Game Warden and deliver the original to the applicant, which original shall accompany the shipment. Such officer shall be entitled to charge a fee of Fifty Cents (50c) for such permit and affidavit, Twenty-five Cents (25c), to be retained by said officer, and Twenty-five Cents (25c), to be accounted for to the State Fish and Game Warden and remitted to him as other moneys to be turned into the game fund. The State Fish and Game Warden, assistants and deputy game wardens are hereby authorized

to administer the oath required in connection with such permit.

But it shall be unlawful for any person or persons or any corporation or company or agent or employe of such company or corporation to sell or keep or offer for sale or have in his or its possession for the purpose of selling any part or parts of any of the game animals mentioned in this Act, except the hides and heads, and they may be sold only when properly accompanied by an affidavit in the form of a shipping permit showing that the animals were lawfully killed, and no person or corporation shall sell, offer to sell or have in his, its or their possession for the purpose of selling any hides and heads in excess of the number provided for in this act. *Provided*, That nothing in this Act contained shall apply to a person carrying on the business of taxidermy taking and having in his possession the heads or skins of birds or animals for the purpose of preserving the same, when such heads and skins are accompanied by an affidavit and permit showing that they were taken from the birds or animals taken or killed in compliance with the provisions of this Act, and any person engaged in the business of taxidermy or who in any way mounts or preserves birds or animals or any portion thereof covered by the provisions of this Act without first obtaining from the person from whom he obtains said birds or animals or any portion thereof such an affidavit and permit shall be guilty of a misdemeanor. The State Fish and Game Warden or any of his assistants or deputies is hereby authorized to seize and confiscate any such birds or animals or portions thereof unless the person having the same in his possession is able to produce such affidavit and permit.

Any person who shall engage in or is at the present time engaged in or conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any birds or animals or fish or any part thereof or any person who desires to mount, preserve or prepare for preservation any of the dead bodies of any birds or animals or fish or any part thereof which he has not taken or killed himself in compliance with the provisions of this Act, must first obtain from the State Fish and Game Warden a taxidermist's license.

The State Fish and Game Warden shall charge for such license the sum of Ten Dollars (\$10.00), to be turned into the State Game Fund. Such license shall be taken out annually and shall expire on March thirty-first of each year. Such person shall, on the first day of each month, make a written report to the State Fish and Game Warden of all the articles of game, the kind and number of each, by whom owned and the residence of the owner, received during the past month, also of all articles having been shipped during this time and to whom and where shipped, and by whom and the owner's address. Such report shall be made upon blanks furnished by the State Fish and Game Warden. Any failure to make report as herein required shall be ground for the revocation of the license. Any person who shall engage in or conduct a business of taxidermy or who shall mount, preserve or prepare for preservation any of the dead bodies of any animals, birds or fish or any part thereof which he has not taken or killed himself without first having obtained such license, or who shall continue in such business after the revocation of such license shall be guilty of a misdemeanor.

It shall be unlawful for any person or persons, company or corporation or agent or employe of such company or corporation to sell, offer or expose for sale or have in his, its or their possession for the purpose of selling or of offering for sale any species of fish or birds protected by this Act or any part of the carcasses of any of the protected animals mentioned in this Act, at any time of the year, except as otherwise provided in this Act, and any such person or persons, company or corporation, agent or employe having in his, its or their possession any of the protected animals or fish herein mentioned for the purpose of selling the same shall be guilty of a misdemeanor, except as otherwise provided in this Act. *Provided, however,* It shall be lawful for any person or persons, company or corporation to sell or ship whitefish or sturgeon, provided such person or persons, company or corporation first secures a permit so to do from the State Fish and Game Warden. The State Fish and Game Warden shall charge for such permit the sum of Ten Dollars (\$10.00), to be turned into the State Game fund. And any person or persons, company or corporation selling, offering for sale, shipping or tendering for shipment any whitefish or sturgeon without first securing such permit shall be guilty of a misdemeanor.

SEC. 8. That Section 10 of an act of the Tenth Session of the Legislature, approved March 11, 1909, page 85, be and the same is hereby amended to read as follows:

Section 10. It shall be unlawful for any person or persons, railway, express company, stage line or other common carrier or any of their agents or employes to transport or receive or have in his, its or their possession any of the game animals or birds in this Act mentioned or any species of fish protected by this Act for the purpose of transporting the same out of the State or from any point in this State to another point, except that it shall be lawful for them to accept and transport to any point fish from private fish ponds, fish, the sale of which is permitted by this Act, and game for which permits are attached: *Provided*, That nothing in this Act shall be construed to prevent shipping or transporting mounted heads or stuffed birds to any point within or without the State when such birds or animals were not taken or killed in violation of the provisions of this Act.

SEC. 9. That Section 16 of said act of the Tenth Session of the Legislature, approved March 11, 1909, Laws of 1909, page 85, be and the same is hereby amended to read as follows:

Section 16. Any person who shall have in his possession any game, fish or birds taken unlawfully shall be guilty of a misdemeanor. It shall be unlawful to store or receive for storage any fish or game within this State except as follows, to-wit: During the open season for such game or fish when same is stored by the person lawfully in possession thereof, and it shall be unlawful for any person to receive such game or fish for cold storage, unless the appropriate license tag is attached thereto, without first receiving from the owner his affidavit and reshipping permit provided for in Section 9 of this Act.

Any game warden, sheriff, constable or any officer of the law may at any time seize and take into his custody any game or fish or any portion of the same which may have been killed or taken unlawfully or which may be in the possession of any person, company or corporation unlawfully. All such fish or game so confiscated or taken shall, if it appears from the evidence before the magistrate trying the case that the said game or fish were unlawfully taken or killed or were unlawfully in the possession of the person or persons from whom they were

seized, be ordered sold by the magistrate and proceeds applied as other moneys to the Game fund, unless otherwise provided.

All seines, nets, guns, tackle, powder, explosives, lime, poison, drugs and other means and devices for the unlawful taking or killing of fish or game of any kind found in the possession of any person detected in unlawfully taking fish from any of the waters of the State or killing of any kind of game, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seines, guns, nets, tackle, powder, explosives, lime, poison, drugs and other means and devices for the taking or killing of game or fish were used or were about to be used for the unlawful taking or killing of fish or game the same are hereby confiscated and shall be ordered sold by the magistrate at public or private sale by the State Fish and Game Warden and the proceeds from the sale of the same turned into the Fish and Game Fund. Unless otherwise provided, all carcasses, hides, pelts or other portions of any animals, birds or fish protected by the provisions of this Act and the taking or killing of which is prohibited by law may be seized and confiscated by the State Fish and Game Warden or any of his deputies or by any sheriff, constable or other officer of the law wherever the same may be found, and upon being so seized and confiscated shall be sold under the direction of the State Fish and Game Warden or the officer seizing the same at public or private sale and the proceeds from the sale thereof turned into the Fish and Game Fund, unless otherwise provided. Any person having in his possession any carcass, hide, pelt or other portions of any animal, bird or fish protected by the provisions of this Act and the taking or killing of which is prohibited by law shall be guilty of a misdemeanor.

SEC. 10. That Section 17 of said act of the Tenth Session of the Legislature, approved March 11, 1909, Laws of 1909, page 95, be and the same is hereby amended to read as follows:

Section 17. Any person or persons, company or corporation, agent or employe who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall, except where a special penalty is provided, be fined in a sum of not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00)

and the cost of the prosecution or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or may be punished by both such fine and imprisonment, within the discretion of the court: *Provided, however,* That any person or persons, company or corporation, agent or employe who shall violate any of the provisions in regard to the sale or shipment of fish shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for each offense or imprisonment in the county jail for a period of not less than ten (10) days nor more than sixty (60) days, or may be punished by both such fine and imprisonment: *Provided, further,* That any person or persons, company or corporation, agent or employe convicted of selling or shipping fish in violation of the provisions of this Act shall forfeit his permit therefor.

Any person or persons, company or corporation, agent or employe violating any of the provisions of this Act with respect to the protection of deer, mountain sheep, mountain goat and antelope shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for each offense or by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months, or may be punished by both such fine and imprisonment.

Any person or persons, company or corporation, agent or employe violating any of the provisions of this Act with respect to the protection of moose and elk shall be guilty of a misdemeanor and shall be fined in the sum of not less than One Hundred and Fifty Dollars (\$150.00) nor more than Three Hundred Dollars (\$300.00) for each offense or by imprisonment in the county jail for a period of not less than sixty (60) days nor more than six (6) months, or may be punished by both such fine and imprisonment.

Any person or persons, company or corporation, agent or employe who shall violate any of the provisions of this Act with respect to the taking of fish with seine, net, weir, spear or other contrivance except with a hook and line attached to a pole and held in the hand shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not less

than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense or by imprisonment in the county jail for a period of not less than twenty (20) days nor more than six (6) months, or by both such fine and imprisonment, and any person or persons, company or corporation, agent or employe violating any of the provisions of this Act with respect to the use of explosives, drugs or other means for the taking or destroying of any fish or game unlawfully shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than One Hundred and Fifty Dollars (\$150.00) nor more than Three Hundred Dollars (\$300.00) for each offense or imprisonment in the county jail for a period of not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment.

Any person in the State of Idaho who is convicted of maliciously wasting game or fish or any person who has once been convicted of the violation of any law or laws for the protection of any wild game animals, game birds or game fish, and is convicted for a second offense in addition to penalties otherwise prescribed by this Act, and such punishment may include a jail sentence of not less than ten (10) days.

SEC. 11. That Section 20 of said act of the Tenth Session of the Legislature, approved March 11, 1909, Laws of 1909, page 85, as amended by Section 9 of an act of the Eleventh Session of the Legislature, approved March 9, 1911, Laws of 1911, page 171, be and the same is hereby amended to read as follows:

Section 20. The State Fish and Game Warden shall receive as full compensation for his salary the sum of Two Thousand Dollars (\$2000.00) per annum and his actual and necessary traveling expenses, not to exceed One Thousand Dollars (\$1,000.00) per annum. The chief deputy shall receive as compensation Fifteen Hundred Dollars (\$1,500.00) per annum and his actual and necessary traveling expenses, not to exceed One Thousand Dollars (\$1,000.00) per annum. Each assistant chief deputy shall receive Twelve Hundred Dollars (\$1,200.00) per annum and his actual and necessary traveling expenses, not to exceed Eight Hundred Dollars (\$800.00) per annum. The chief clerk of the State Fish and Game Warden shall receive a salary of One Thousand Five Hundred Dollars (\$1,500.00) per annum as full compensa-

tion for his services. Each superintendent of a fish hatchery shall receive as compensation not to exceed Twelve Hundred Dollars (\$1,200.00) per annum and each assistant shall receive a compensation of not to exceed Nine Hundred Dollars (\$900.00) per annum.

The State Fish and Game Warden, chief deputy, assistant chief deputy, chief clerk, superintendent and assistant superintendents and such additional clerks as may be employed shall be paid monthly on the first of each month out of the Fish and Game Fund. The chief deputy, assistant chief deputy, chief clerk, superintendent and assistant superintendents of hatcheries and such other clerks as may be employed shall be paid upon their sworn statements, which accounts shall be approved by the State Fish and Game Warden. All other deputy game wardens shall each receive as compensation the sum of Three Dollars (\$3.00) per day for each day actually employed, but shall not be entitled to receive any traveling or other expenses except when he is sent out of his district, and such expenses shall be subject to the approval of the State Fish and Game Warden, and such deputies shall not receive pay for more than three hundred (300) days in one year for services performed in the county from which they were appointed: *Provided, however,* That such deputies may be sent by the State Fish and Game Warden to perform services in counties other than the one from which they are appointed, and for such services they shall receive the sum of Three Dollars (\$3.00) per day for each day without reference to the number of days they are so employed. All bills for expenses shall be certified as to their correctness by the State Fish and Game Warden and approved by the State Board of Examiners.

SEC. 12. That Chapter 90 of the Laws of 1915 entitled "An act making it unlawful for any person or persons to pursue, hunt, kill or capture any cow elk, yearling elk, female or doe deer, spotted fawn or yearling deer and mountain sheep, and providing a penalty therefor," be and the same is hereby amended to read as follows:

Section 1. It shall be unlawful for any person or persons to pursue, hunt, kill or capture any calf elk, spotted fawn or mountain sheep at any time of the year in the State of Idaho.

Section 2. Any person violating any of the provisions of this Act is hereby declared to be guilty of a misdemeanor and,

upon conviction thereof, shall be fined in a sum of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days, or may be punished by both said fine and imprisonment.

SEC. 13. That nothing in this Act shall be construed as repealing or in anywise affecting any law or laws heretofore passed relating to the protection of birds, fish or game in any particular counties, localities, streams or lakes in the State of Idaho unless specifically mentioned in this Act.

SEC. 14. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 57.

(H. B. No. 304.)

AN ACT

AMENDING SECTION 67 OF CHAPTER 159, SESSION LAWS, 1911, AS AMENDED BY SECTION 2 OF CHAPTER 13, LAWS EXTRAORDINARY SESSION OF THE ELEVENTH SESSION OF THE LEGISLATURE, AND AS AMENDED BY SECTION 1 OF CHAPTER 92, SESSION LAWS, 1915; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67 of Chapter 159, Session Laws, 1911, as amended by Section 2 of Chapter 13, Laws Extraordinary Session of the Legislature, and as amended by Section 1 of Chapter 92, Session Laws, 1915, be and the same hereby is further amended to read as follows:

Section 67. The county superintendent shall require from the county treasurer quarterly each year a report of the amount of money on hand to the credit of the school fund of his county, not already apportioned, and the county treasurer shall furnish such report when required. The county superintendent, upon receiving such report, shall proceed to apportion the public school moneys, both county and state, reported by the county treasurer to be in the county treasury, among the several school districts in the following manner, to-wit:

Forty per cent (40%) of the whole amount he shall apportion among the several districts of his county in proportion to the number of teachers regularly employed by each district; forty per cent (40%) of the whole amount he shall apportion per capita among the several districts in proportion to the number of children in each district as shown by the last report of the census marshal: *Provided*, That no district shall be considered as having less than fifteen (15) census pupils for the purpose of apportioning all school moneys; seventeen per cent (17%) of the whole amount or so much thereof as is needed he shall use for the relief of all districts organized under Article V of this Act, which, after having levied a special tax of ten (10) mills, have not sufficient funds, including their regular apportionment, to maintain the minimum term as provided in Section 54 of this Act. The county superintendent shall be the judge of the needs of such districts. Three per cent (3%) of the whole amount or so much thereof as is needed he shall apportion among the rural high school districts and consolidated districts which carry approved high school work meeting the requirements set forth in Section 137 of this Act in proportion to the number of teachers regularly employed in such high school work. The amount apportioned to any such high school shall not exceed the sum of Three Hundred Dollars (\$300.00) in any school year for each teacher so employed in such high school, in addition to its share of the first apportionment of forty per cent (40%), as above provided for.

Any amount remaining after the apportionment, as above set forth, shall be apportioned among the several districts in accordance with the school census as provided above for the apportionment of the second forty per cent (40%):

Provided, For all apportionments in this section any joint district or joint rural high school district shall receive from each county in which it lies for every teacher such portion of a teacher's share as the census of the part of the joint district which lies in said county bears to the whole census of the joint district.

SEC. 2. That all acts and parts of acts in conflict with this Act be and the same hereby are repealed to the extent of such conflict.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.
Approved March 20, 1917.

CHAPTER 58.

(H. B. No. 320.)

AN ACT

AMENDING THE FOLLOWING SECTIONS OF CHAPTER 159, SESSION LAWS, 1911: 76 AS AMENDED BY SECTION 1 OF CHAPTER 160, SESSION LAWS, 1913; 77, 78, 80 AND 81 AS AMENDED BY SECTION 1 OF CHAPTER 148, SESSION LAWS, 1913; 82 AS AMENDED BY SECTION 2 OF CHAPTER 148, SESSION LAWS, 1913; 83, REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 76 of Chapter 159, Session Laws, 1911, as amended by Section 1 of Chapter 160, Session Laws, 1913, be and the same hereby is further amended to read as follows:

Section 76. The board of school trustees of any school district may, whenever a majority so decides, submit to the qualified electors of such district the question whether the board shall be authorized to issue coupon bonds for a period of years, not to exceed twenty (20), payable on the amortization plan and in an amount not to exceed six (6) per cent of the assessed valuation of the property in said district and bearing interest at a rate not to exceed six (6) per cent per annum, for the purpose of building one or more school houses in said district and providing the same with all necessary furniture, desks, blackboards, globes, charts, outlines, maps, etc. And the board of school trustees of any school district which, prior to the date of the approval of this Act, has issued bonds for any of the purposes enumerated in this section may submit to the qualified electors of such district the question whether the board shall be authorized to issue coupon bonds, payable on the amortization plan, to refund or take up any of the bonded indebtedness of such district, at a rate of interest not to exceed six (6) per cent per annum.

SEC. 2. That Section 77 of Chapter 159, Session Laws, 1911, be and the same hereby is amended to read as follows:

Section 77. A bond election must be called as follows: The clerk of the board of trustees shall, at least ten (10) days prior to such election, post notices thereof, on blanks provided by the county superintendent for that purpose, specifying the time and place of holding such election and the question to be submitted to the electors. Said notices must be posted in three (3) public places in the district, one of which shall be the school house, if there be one, and the affidavit of the clerk of the board of trustees that said notices were posted as required herein shall be sufficient proof of such posting and notice to the electors. Such elections must be held in the manner prescribed for elections in this Chapter. The ballots must contain the words "Bonds, Yes" or "Bonds, No." If two-thirds (2-3) of the votes cast at such elections are "Bonds, Yes," the board of trustees must issue such bonds in such form as said board may decide. They must bear the signature of the chairman of the board of trustees and be countersigned by the clerk of the school district, and the coupons attached to the bonds must be signed by said chairman and said clerk; and each bond so issued must be registered by the county treasurer in a book provided for that purpose, which must show the number and amount of each bond and the person to whom the same is issued, and the said bonds must be sold by the said school trustees as hereinafter provided: *Provided*, That when more than fifty per cent (50%) of the taxable property in any district is owned by non-resident persons or corporations no issue of bonds for such district shall be made until the proposed issue has been approved by the board of county commissioners at one of its regular meetings. The board of county commissioners shall have authority, upon a showing that the amount of money proposed to be raised by such bond issue is more than is reasonably necessary for the present use of the district, to reduce said amount, but in no case shall such board have authority to make an increase in the amount of the said proposed issue. The board of trustees of said district or any person or corporation paying taxes on a property valuation of not less than Ten Thousand Dollars (\$10,000.00) in said district may, within thirty (30) days after the rendition of the decision of the board of commissioners, appeal therefrom to the State Board of Education, whose decision in said matter shall be final.

SEC. 3. That Section 78 of Chapter 159, Session Laws, 1911, be and the same hereby is amended to read as follows:

Section 78. When an issue of bonds has been authorized the board of trustees shall immediately offer the same to the State Board of Land Commissioners of the State of Idaho for purchase out of funds under the control of the said board. And whenever an offer of bonds is so made to the said State Board of Land Commissioners it shall be the duty of the said board to promptly notify the board of trustees whether the State of Idaho will purchase the said bonds and, if such purchase will be made, the rate of interest thereon which will be charged. If the State Board of Land Commissioners will not purchase such bonds or if the board of trustees believe that a lower rate of interest may be obtained elsewhere, the said board of trustees must proceed as follows: The school trustees must give notice in some newspaper published in the State for a period of not less than four (4) weeks to the effect that said school trustees will sell said bonds, briefly describing the same and stating the time when and the place where said sale will take place: *Provided*, That the said bonds must not be sold for less than their par value, and the trustees are authorized to reject any bids and to sell said bonds at private sale if they deem it for the best interest of the district, and all moneys arising from the sale of said bonds must be paid forthwith into the treasury of the county in which said district may be located, to the credit of said district, and the same are immediately available for any of the purposes authorized by this Chapter.

SEC. 4. That Section 80 of Chapter 159, Session Laws, 1911, be and the same hereby is amended to read as follows:

Section 80 (a). Whenever bonds have been issued in any district it shall be the duty of the clerk of the board of trustees of the said district to notify the county treasurer of such issue, specifying clearly the amount thereof, the rate of interest and the terms and conditions of payment. It shall thereafter be the duty of the county treasurer to furnish the board of county commissioners, at or before its meeting on the second Monday in September, a statement showing the amount of the annual payment on said bonds and the amount of interest thereon which will fall due during the next ensuing year. It shall be the duty of the board of county commissioners, at its said meeting on the second Monday in September, to levy

on the taxable property in the said district the tax necessary to meet the annual payment on said bonds and the interest thereon as they become due.

(b). That for the purpose of providing for the payment or partial payment of any bonds issued on the sinking fund plan prior to the date on which this Act becomes effective it shall be the duty of the county treasurer to notify the board of county commissioners, at or before its meeting on the second Monday in September, of the amount of money needed during the ensuing year to pay interest on such bonds and to meet the sinking fund requirements thereof for that year, and it shall be the duty of the board of county commissioners, at its said meeting, to levy on the taxable property in the said district the tax necessary to meet the said interest and sinking fund requirements.

(c). It shall be the duty of the board of county commissioners to specify separately the mill levy imposed by it for all bond requirements, including interest, and whenever any taxes are collected on the property of any district the proper percentage of such taxes shall be apportioned by the county auditor to and placed by the county treasurer in a separate fund to be designated as "Bond Fund of _____" (designating the district), and the said money so apportioned and placed in the said fund shall be paid out by the county treasurer only for the payment of the principal and interest of bonds issued by such district.

(d). It shall be the duty of the county treasurer to keep all money in the bond fund of any district deposited in banks, as now provided by law for public money generally, and all interest on said money shall be credited, as paid, to the proper fund.

(e). Any tax levied under the provisions of this section shall be a lien upon the property of the said school district and must be collected in the same manner as other taxes are collected.

SEC. 5. That Section 81 of Chapter 159, Session Laws, 1911, as amended by Section 1 of Chapter 148, Session Laws, 1913, be and the same hereby is further amended to read as follows:

Section 81. When the sum in the sinking fund equals or exceeds the amount of any bond then due the county treasurer

shall post in his office a notice that he will, within thirty (30) days from the date of such notice, redeem the bonds then payable, giving the number thereof, and the preference must be given to the oldest issue, and if, at the expiration of the said thirty (30) days the holder or holders of said bonds shall fail or neglect to present the same for payment, interest thereon must cease, but the treasurer shall, at all times thereafter, be ready to redeem the same on presentation, and when any bonds are so purchased or redeemed the county treasurer must cancel the same by writing across the face of each bond in red ink the word "Redeemed" and date of such redemption: *Provided, however,* That where such bonds have been sold to the State of Idaho the said county treasurer shall, when any bond is due, send the money for the redemption of such bond to the State Board of Land Commissioners at Boise, Idaho, for the purpose of redeeming such bond or bonds. The said State Board of Land Commissioners, on receipt of said money, if received at a proper time for payment of said bond, shall cancel said bond by writing across the face of each bond in red ink the word "Redeemed" and the date of the redemption and shall return such bond or bonds to the county treasurer sending such money for the redemption thereof: *Provided,* That when the last annual payment on any bond issued on the amortization plan, together with the interest thereon, has been paid the said bond shall be surrendered to the county treasurer, who must cancel the same by writing across the face thereof in red ink the word "Redeemed" and the date of such redemption.

SEC. 6. That Section 82 of Chapter 159, Session Laws, 1911, as amended by Section 2 of Chapter 148, Session Laws, 1913, be and the same hereby is further amended to read as follows:

Section 82. The county treasurer must pay, out of any money belonging to a school district, the annual payments and the interest upon any bonds issued under this Article by such school district when the same becomes due upon the presentation at his office of the proper coupons, which must show the amounts due and the number of the bond to which they belonged, and all coupons so paid must be reported to the clerk of the board of trustees of such district and to the county superintendent: *Provided,* That when such bonds have been

sold to the State of Idaho and the county treasurer has money in the fund for the purpose of paying the annual payment and interest on such bonds when due such county treasurer shall send such money for such payments to the State Board of Land Commissioniers at Boise, Idaho, and the said board, on receipt of such money, shall clip the proper coupons, cancel the same and return them to the county treasurer.

SEC. 7. That Section 83 of Chapter 159, Session Laws, 1911, be and the same hereby is amended to read as follows:

Section 83. The school trustees of any district must cause to be printed or lithographed at the lowest rates suitable bonds with the coupons attached, when the same becomes necessary, and pay therefor out of any moneys in the county treasury to the credit of the school district: *Provided*, That the State Board of Education shall prescribe a form of bond which shall conform to the provisions of this Chapter for use by the school districts of the State and may, should it so determine, cause to be suitably printed or lithographed a supply of said bonds and furnish them to the school districts of the State as desired.

SEC. 8. That all acts and parts of acts in conflict with this Act be and the same hereby are repealed to the extent of such conflict.

SEC. 9. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 59.

(H. B. No. 375.)

AN ACT

RELATING TO INDEPENDENT SCHOOL DISTRICTS BY AMENDING SECTION 1 OF CHAPTER 14, SESSION LAWS, 1913, AND SECTION 129 OF CHAPTER 159, SESSION LAWS, 1911, AS AMENDED BY SECTION 17 OF CHAPTER 115, SESSION LAWS, 1913, AND BY SECTION 1 OF CHAPTER 159, SESSION LAWS, 1913; REPEALING CONFLICTING ACTS AND PARTS OF ACTS AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 14, Session Laws, 1913, be and the same hereby is amended to read as follows:

Section 1. To purchase or otherwise acquire grounds or sites for playgrounds and gymnasiums and build and erect gymnasiums in their districts, either in connection with school buildings or as separate buildings; to equip and maintain all such playgrounds and gymnasiums with all necessary apparatus and fixtures; to issue and sell bonds in the manner as provided for by law to raise money for the purpose of buying such grounds, sites and building such gymnasiums and purchasing apparatus and fixtures therefor; to levy for the proper maintenance and care of the gymnasium and grounds a special tax which shall not exceed one mill on the dollar; to prescribe the rules and regulations for the use of such playgrounds, gymnasiums and apparatus by the pupils of their districts and by which others than the pupils of their districts may use the same and to fix the membership fee which such other persons shall be compelled to pay for such privileges; and to do all other things in connection with the purchasing or acquiring the sites and building gymnasiums and the equipping playgrounds and gymnasiums with necessary apparatus and fixtures which are not prohibited by law.

SEC. 2. That Section 129 of Chapter 159, Session Laws, 1911, as amended by Section 17 of Chapter 115, Session Laws, 1913, and by Section 1 of Chapter 159, Session Laws, 1913, be and the same hereby is further amended to read as follows:

Section 129 (a). The board of trustees of an independent school district shall have power and it is its duty:

1. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this Chapter;
2. To employ or discharge teachers, mechanics and laborers and to fix, allow and order paid their salaries and compensation; to determine and charge tuition for pupils residing outside the boundaries of the district and to withhold the salary of a teacher when the county superintendent notifies the board that the teacher does not hold a valid certificate.
3. To levy a special tax, if necessary, which, when added to money apportioned by the county superintendent of schools, will be sufficient to provide funds for the maintenance of the schools for nine (9) months in each year. The special taxes

levied by said board of trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools, shall not exceed ten (10) mills on the Dollar of the assessed valuation of all property in the district: *Provided*, That the State Board of Education may authorize a particular district to increase its levy to fifteen (15) mills upon a showing of financial conditions that in the opinion of the said board justifies such increase: *And provided further*, That districts maintaining rural school routes may levy an additional tax of not to exceed four (4) mills for the support of such rural routes;

4. To provide furniture, fixtures, apparatus, library and everything needed in the school house or for the use of the board;

5. To rent, repair and insure school houses and property and preserve the same for the benefit of the schools of the district;

6. To build or remove school houses and buildings and to purchase or sell school lots;

7. To expel pupils from school who refuse to obey the rules thereof and to exclude from school children under six (6) years of age;

8. To determine the number and qualifications of teachers who shall be employed, to determine if school shall be maintained for more than nine (9) months, to fix the date of the beginning of the school year, to determine the length of the school day and to provide for the dismissal of primary pupils before the regular time of closing school;

9. To require pupils to be furnished with proper and suitable books and supplies as a condition of membership in the schools;

10. To exclude from the schools and school libraries of said district all books, papers and catechisms of a sectarian nature;

11. To require teachers to conform to the law of the State and regulations of the school boards;

12. To protect the morals and health of the pupils while at school.

INDEPENDENT DISTRICTS (CLASS A).

(b) When an independent school district shall employ twenty (20) or more teachers it shall be known as an inde-

pendent district (Class A) and shall have, in addition to the above enumerated powers and duties, the following special powers and duties:

1. To adopt a course of study for their system of schools other than the State course, if they so elect, and to prescribe the examinations, tests and qualifications necessary for pupils to enter the various grades of the elementary school and of the high school;

2. To adopt text books for their system of schools and to make such contracts with the publishers as shall seem for the best interests of the district: *Provided*, That this section shall not operate to destroy any contract now in force, but shall operate in the selection of books for which the district is not now under contract and shall operate in the selection of all books on and after September 1, 1913;

3. To employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board, with such powers and duties as they may prescribe, together with such powers and duties as are now or may hereafter be prescribed by the laws of the State, to fix, allow and order paid his salary and to discharge said superintendent for incompetency, immorality or gross neglect of duty.

SEC. 3. That all acts and parts of acts in conflict with this Act be and the same hereby are repealed to the extent of such conflict.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 60.

(H. B. No. 163.)

AN ACT

MAKING APPROPRIATIONS FOR THE PAYMENT OF SALARIES AND TRAVELING EXPENSES OF OFFICERS, DEPUTIES AND EMPLOYES OF THE VARIOUS DEPARTMENTS OF THE STATE GOVERNMENT; MAKING AN APPROPRIATION FOR GENERAL OFFICE AND OTHER EXPENSES OF STATE DEPARTMENTS AND OFFICES AND FOR OTHER

SPECIFIED PURPOSES FOR THE PERIOD COMMENCING THE FIRST MONDAY OF JANUARY, 1917, AND ENDING ON THE FIRST MONDAY OF JANUARY, 1919; PRESCRIBING CONDITIONS UNDER WHICH THE APPROPRIATIONS HEREIN MADE MAY BE EXPENDED; MAKING ANY VIOLATION OF THE PROVISIONS OF THIS ACT A MISDEMEANOR AND PROVIDING FOR THE PUNISHMENT THEREOF, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sums hereinafter specifically set out, or so much thereof as may be necessary for the purposes named and for no other, for the support and maintenance of the several departments of the state government and for other purposes for the period commencing on the first Monday of January, 1917, and ending on the first Monday of January, 1919, except as herein otherwise indicated. The sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the State. The amounts specifically appropriated for specific purposes by this Act constitute the whole amount appropriated and to be used by the departments or offices in question for any purpose during the period for which the appropriation is made.

For State Insurance Commissioner's Office

Salary of Insurance Commissioner	\$4,800.00
Salary of clerk and stenographer	2,400.00
Extra clerk hire	500.00
Printing one biennial and two annual reports....	400.00
Annual statement blanks	400.00
Office stationery	200.00
Printing licenses	200.00
Postage and express	800.00
Telegraph and telephone	150.00
Miscellaneous office supplies	350.00
Traveling expenses and contingent fund.....	1,500.00
Printing Code	200.00
Total	\$11,900.00

For the State Board of Equalization

Printing report	\$ 500.00
Field investigation	5,000.00
Total	\$5,500.00

For State Historical Society

Salary of Librarian	\$2,400.00
Salary of Assistant Librarian	1,200.00
Traveling expenses of trustees	200.00
For binding newspapers and books, framing pictures, purchase of show cases, purchase of relics, etc., ...	300.00
For office supplies, stationery, stamps, expressage, drayage, etc.	150.00
For printing	125.00
Total	\$4,375.00

For the Grand Army Headquarters

Salary of Assistant Adjutant General	\$1,200.00
Office and contingent expenses	400.00
Total	\$1,600.00

Miscellaneous.

For payment of rewards offered by the Governor for the apprehension of criminals	\$2,500.00
For the return to the State of fugitives from justice	3,000.00
For the payment of premiums on bonds of state officials	4,500.00
For insurance on Supreme Court building at Lewiston and law libraries at Lewiston and Boise....	500.00

SEC. 2. That the compensation and salaries for all state officials, deputies and employes appropriated by Section 1 of this Act shall be in full for services to be rendered by such officials, deputies or employes to the State during the period for which such appropriations are made.

SEC. 3. That the State auditor shall quarterly, on the first day of January, April, July and October of each year, render to the head of each state office or department for

which an appropriation is made by this Act a statement of the balance or balances in the appropriation or appropriations made for such office or department.

SEC. 4. That the State Auditor is hereby authorized and directed, upon the presentation of the proper vouchers or claims against the State, approved by the State Board of Examiners, as provided by law, to draw his warrant against the proper funds or appropriations for the payment of such vouchers or claims, and it shall be the duty of the State Auditor to classify such vouchers or claims in a book for that purpose in such manner that the amounts to be charged, as shown by such vouchers or claims, to any office or department for which an appropriation is made by this Act shall be kept separate and apart from the amounts of vouchers or claims of any other office or department of the state government. All such vouchers or claims approved by the State Board of Examiners shall be listed in such book in numerical order and shall be filed according to the number opposite the entry of such voucher or claim in said book.

SEC. 5. That each state officer, deputy or employe and each state board authorized by law to expend any appropriation herein made or otherwise made by law shall keep an itemized account of all expenditures made by him or them or under his or their direction and report the same in itemized form, as to classes of expenditures, to the committees on State Affairs and on Appropriations of the fifteenth regular session of the State Legislature.

SEC. 6. That no officer, deputy, employe or state board having the direction or control of the expenditure of any appropriation made by this Act or otherwise made by law shall enter into any contract or agreement or otherwise create any expense or incur any liability, moral, legal or other in excess of the appropriation herein made for the specific purposes mentioned unless authority to make such expenditures or to incur such liability has been previously given in writing by the State Board of Examiners of the State of Idaho.

Any person or persons violating the provisions of this Act with reference to expenditures shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished therefor as provided by law, and in addition to any other punishment which may be imposed shall be removed from the office or

position held by him. Any indebtedness created or attempted to be created against the State of Idaho in violation of the provisions of this Act or any indebtedness attempted to be created against the State of Idaho in excess of the proper appropriation, whether made by this Act or by other provisions of law, shall be void.

SEC. 7. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1917.

CHAPTER 61.

(H. B. No. 14.)

AN ACT

RELATING TO HIGHWAY DISTRICTS, AMENDING SECTION 2 OF CHAPTER 55 OF THE SESSION LAWS OF 1911 AS AMENDED BY CHAPTER 82 OF THE SESSION LAWS OF 1913 AND AMENDING SECTION 6 OF CHAPTER 55 OF THE SESSION LAWS OF 1911 AS AMENDED BY CHAPTER 53 OF THE SESSION LAWS OF 1915; PROVIDING FOR THE CREATION AND ORGANIZATION OF A HIGHWAY DISTRICT FROM A PART OF ANY HIGHWAY DISTRICT HERETOFORE OR HEREAFTER CREATED; PROVIDING FOR THE DIVISION OF THE PROPERTY OF THE ORIGINAL DISTRICT AND ALSO PROVIDING THAT NONE OF THE LANDS TAKEN FROM THE ORIGINAL DISTRICT SHALL THEREBY BE RELEASED FROM LIABILITY FOR ASSESSMENTS THERETOFORE OR THEREAFTER MADE BY THE ORIGINAL DISTRICT TO PAY THE BONDS AND INTEREST THEREON OF SUCH ORIGINAL DISTRICT OUTSTANDING AT THE TIME OF THE CREATION OF THE NEW DISTRICT OR ANY EXTENSION THEREOF; DEFINING THE RELATIONS BETWEEN THE ORIGINAL DISTRICT AND THE NEW DISTRICT AND PROVIDING FOR THE COST OF HOLDING OF SAID SPECIAL ELECTION; REPEALING CONFLICTING ACTS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of Chapter 55 of the Session Laws of 1911 as amended by Chapter 82 of the Session Laws of 1913 be and the same hereby is amended to read as follows:

Section 2. Whenever fifty or more of the holders of title

or evidence of title to lands wholly within the limits of a single county and aggregating not less than twenty thousand acres of contiguous territory or consisting of contiguous territory of less extent but having an assessed valuation of at least one million dollars at the last preceding county assessment desire to provide for the organization of the same as a highway district, none of their said lands being included within the boundaries of an already created and organized highway district, they may propose the organization of a highway district under the terms of this Act.

And whenever fifty or more of the holders of title or evidence of title to lands wholly within the limits of a single county and wholly within the limits of a highway district heretofore or hereafter created under this Act, desire to provide for the organization of the same as a highway district separate and apart from such original highway district they may also propose the organization of a new highway district under this Act: *Provided*, That such existing highway district contains an aggregate of not less than two hundred square miles of land therein and the new district and the original district, as they will exist after the creation of the new district, each will have not less than 20,000 acres of land therein, and having an assessed valuation of at least one million dollars as determined by the last preceding county assessment.

Provided, That said holders of title or evidence of title shall hold such title or evidence of title to at least one-tenth part of the total area of land in the proposed district which will be assessable for the purposes of the district. Or such organization may be proposed and such petition signed by a number of adult residents within the proposed district equal to at least twenty per cent of the aggregate of all the votes cast for Governor at the election precincts within such proposed district at the last general election.

The equalized county assessment list last preceding the presentation of the petition for the organization of the proposed highway district shall be sufficient evidence of title or of assessed value for the purpose of this Act, but other evidence may be received, including receipts or other evidence of the rights of entrymen on lands under any law of the United States or of this State, and such entrymen shall be competent signers of such petition and the lands on which they shall have

made such entries shall, for the purpose of said petition, be considered as owned by them.

SEC. 2. That Section 6 of Chapter 55 of the Session Laws of 1911 as amended by Chapter 53 of the Session Laws of 1915 be and the same hereby is amended to read as follows:

Section 6. Immediately after any election for voting upon the organization of a highway district the judges of said election shall forward the official results of said election to the clerk of said board of commissioners. The said board of commissioners shall meet within ten days after said returns are received and shall proceed to canvass the votes cast at such election, and if, upon such canvass, it shall appear that one-half or more of said votes are ".....Highway District, No," then a record of that fact shall be duly entered upon the minutes of said board, and all proceedings in regard to the organization of such district shall be void. If, however, it shall appear, upon such canvass, that more than one-half of the votes cast are "..... Highway District, Yes," the said board shall, by order entered on its minutes, declare such territory duly organized as a highway district under the name designated in the petition. After the election the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof and in no event shall any action be commenced or maintained or defense made affecting the validity of such organization after six months from and after the making and entering of the order provided for in this action. Said board shall cause one copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of the county in which such district is situated and shall transmit to the Governor one certified copy thereof.

From and after the date of such filing of said order of the board of county commissioners declaring such territory duly organized as a highway district the organization of such district shall be complete:

Provided, That if the highway district so declared organized shall have been created out of territory which previous thereto was a part of and included within the boundaries of an already created and organized highway district, then none of the lands taken from the original district and so organized into a new highway district shall thereby be released from

liability for assessments previously or thereafter levied by the original district for the purpose of paying any bonds of such original district outstanding at the time of the creation of such new district, but such lands taken from the old district into the new district shall continue to be liable for and shall thereafter be assessed by the old district for the necessary taxes to pay such outstanding bonds or any extension thereof and interest thereon as the same become due, as provided by this Act. And all property belonging to the original district shall belong to the original district and the new district created therefrom in proportion to the assessed valuation of the taxable property of the two districts, as shown by the assessment roll of the year prior to the creation of the new district, and within ten days after the qualification of the commissioners of the new district the commissioners of each district, respectively, shall meet and each of said boards shall appoint a competent accountant. Said accountants shall constitute an auditing board and board of appraisers and shall, within five days after their appointment, meet at the office of the highway board of the original district and, after taking the usual oath of office, shall then and there proceed to ascertain the whole amount of indebtedness, if any, other than bonded indebtedness and interest thereon, of said original district as it existed prior to the subdivision thereof, and shall make a statement of and determine the value of all the property belonging to the original district at the time of the creation of the new district and shall compute from the assessment roll of the county for the year prior to the creation of the new district the total taxable property of each of said districts and shall determine the amount of money in the possession or under the control of the original district at the time of the creation of the new district and all moneys to which it is then entitled or to which it will be entitled from taxes then levied and extended, but not yet collected, and shall determine the value of all and any public improvements, roads and bridges constructed prior to, up and until the creation of the new district in both the original district and the new district and shall make a full statement and report of all of said matters and of all other matters proper to be audited and reported upon in order to make a full and satisfactory adjustment and settlement between said districts, with their conclusion as to the amount due from one district to the other, and shall file a copy of such statement, report and conclusion with

the highway boards of each of said districts. In the event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a competent third person to assist them, and the decision of any two shall control. Either of said districts may, if dissatisfied with the statements, reports or conclusions of said accountants, appeal to the district court of the county in which the original district is situated. For whatever amount is found to be due from either of said districts to the other in the manner above provided the highway board of the debtor district shall cause its warrant to be drawn for the amount so due, payable to the creditor district. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the district making his appointment, and in the event of a third one being employed one-half of his compensation shall be paid by each of said districts. In making such statement, report and conclusion as to the apportionment between said original district and said new district said accountants shall, as nearly as possible, ascertain and fix the value of all public improvements, roads and bridges constructed prior to the creation of the new district, and shall ascertain the difference in the value of said public improvements, roads and bridges located in the new district, as compared with the public improvements, roads and bridges located within the original district, and shall determine from said statement, report and conclusion the debtor and creditor district. For whatever amount is found to be due from either of said districts to the other, as ascertained by the accountants from the respective values of the public improvements, roads and bridges, as above set forth, the highway board of the debtor district shall cause its warrant to be drawn for the amount so due, payable to the creditor district: *Provided, however,* That main or intercounty roads or highways, together with all improvements thereof or thereon shall not be taken into consideration by said accountants in determining said statement when it is apparent that said main or intercounty roads or highways, together with the improvements thereof or thereon are of material value to both the original and the new districts. Said accountants shall, as nearly as practicable, divide between the respective districts proportionately all chattel property which is capable of division. No moneys on hand, received from taxes levied and collected for the payment of

principal or interest of bonds, shall be taken into consideration by said accountants in the making of such settlement. Any papers or plats relating entirely to improvements theretofore made in the new district shall, within thirty days after the creation of the new district, be turned over to the highway board of the new district by the officers of the old district, and the officers of the new district shall, at all reasonable times, have access to the records, papers and plats of the old district relating to improvements made within the boundaries of the new district prior to its creation.

SEC. 3. That wherever an amount is found to be due from either of said districts to the other and where a warrant or warrants have been drawn for the amount so due, payable to the creditor district, and the levy for the first year found to be insufficient for the payment of said warrant or warrants it shall be the duty of the board of highway commissioners of said debtor district to levy annually a tax sufficient to pay annually at least twenty-five per cent (25%) of said warrant indebtedness or so much of said warrant indebtedness as the limit of levying taxes by highway district as now prescribed by law will permit.

SEC. 4. That the cost of holding said special election, if favorable to, and the creation of said new district is approved by a majority vote, as provided for in this Act, shall be paid by said new district and chargeable to its portion of liabilities between it and the original district at the settlement of the indebtedness to be apportioned between said districts.

SEC. 5. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 6. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 62.

(H. B. No. 102.)

AN ACT

**PROVIDING FOR THE CONSTRUCTION OF A WAGON BRIDGE
ACROSS THE SNAKE RIVER IN SECTION 12, TOWNSHIP
10 SOUTH, RANGE 18 EAST, B. M., AT WHAT IS KNOWN
AS THE HANSEN BRIDGE SITE NORTH OF THE TOWN OF**

HANSEN IN TWIN FALLS COUNTY, AND AT SAID POINT CROSSING OVER THE SNAKE RIVER INTO MINIDOKA COUNTY; APPROPRIATING THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE CONSTRUCTION OF SAID WAGON BRIDGE; AUTHORIZING THE USE AND EXPENDITURE OF SAID SUM IN THE PREPARATION OF PLANS AND SPECIFICATIONS AND THE CONSTRUCTION AND ERECTION OF SUCH BRIDGE; AUTHORIZING AND DIRECTING THE CONSTRUCTION OF SUCH BRIDGE AND APPROACHES; APPOINTING A COMMISSION FOR THE DIRECTION AND CONTROL OF THE WORK, AND DESIGNATING AND APPOINTING THE COMMISSIONERS OF TWIN FALLS COUNTY AND THE HIGHWAY COMMISSIONERS OF THE HILLSDALE HIGHWAY DISTRICT OF MINIDOKA COUNTY TO ACT AS SUCH BRIDGE COMMISSION FOR ADOPTING PLANS AND SPECIFICATIONS AND AWARDED THE CONTRACT FOR THE CONSTRUCTION OF SUCH BRIDGE AND GRANTING ALL NECESSARY POWER AND AUTHORITY TO SUCH COMMISSION TO DO AND PERFORM ALL THINGS NECESSARY FOR THE CONSTRUCTION THEREOF, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That a wagon bridge shall be constructed across the Snake River at a point about two miles north of the town of Hansen, Twin Falls County, which shall be of the suspension type.

SEC. 2. The Board of County Commissioners of Twin Falls County and the Board of Commissioners of the Hillsdale Highway District of Minidoka County shall be and constitute a bridge commission for the purpose of carrying into effect the object and purposes of this Act and shall have general supervision of said bridge and its approaches during the construction of the same. They shall prepare or cause to be prepared the plans and specifications for said bridge and shall have full power and authority to demand and receive bonds and undertakings, running in the name of the State of Idaho and in such sum as they shall deem necessary for the faithful discharge of any and all contracts awarded by them under the provisions of this Act, and shall have power and authority to award any and all contracts that may be necessary in providing for the construction of said bridge.

SEC. 3. No part of the appropriation made by this Act shall be expended for such bridge or paid out by the State Treasurer until it is shown by the certificate of said bridge

commission that sufficient funds have been raised by joint action of the said Hillsdale Highway District of Minidoka and the County of Twin Falls, which sum or sums, added to the appropriation hereby made, will be sufficient to construct a bridge costing approximately \$80,000.00, including the building and construction of all necessary approaches to said bridge in order to connect the said bridge with the public highway on each side of the said stream.

SEC. 4. That the said Board of Commissioners shall receive no compensation for their services as bridge commissioners as provided for in this Act, but all of their traveling expenses and other necessary expenses incident to the construction of the bridge herein provided for shall be paid out of the bridge funds created by this Act.

SEC. 5. The State Treasurer is hereby directed to transfer to the said bridge commission, composed of the County Commissioners of Twin Falls County and the Commissioners of the Hillsdale Highway District the sum of \$20,000 out of any monies in the State Treasury not otherwise appropriated, which said sum of \$20,000 is hereby appropriated for the construction of said bridge.

SEC. 6. An emergency existing therefor, this Act shall become effective from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 63.

(H. B. No. 111.)

AN ACT

MAKING APPROPRIATIONS FOR THE PAYMENT OF SALARIES, TRAVELING EXPENSES OF OFFICERS, DEPUTIES AND EMPLOYES, GENERAL OFFICE AND OTHER EXPENSES OF STATE DEPARTMENTS, INCLUDING AUDITOR'S DEPARTMENT, BANKING DEPARTMENT, ATTORNEY GENERAL'S DEPARTMENT, SECRETARY OF STATE'S DEPARTMENT AND EXECUTIVE DEPARTMENT, FOR THE PERIOD COMMENCING ON THE FIRST MONDAY OF JANUARY, 1917, AND ENDING ON THE FIRST MONDAY OF JANUARY, 1919; PRESCRIBING THE CONDITIONS UNDER WHICH THE APPROPRIATIONS HEREIN MADE SHALL BE SPENT; MAKING ANY VIOLATION OF THE PROVISIONS OF THIS ACT A MISDEMEANOR AND PROVIDING FOR

THE PUNISHMENT THEREOF, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sums hereinafter specifically set out or so much thereof as may be necessary, for the purposes named and for no other, for the support and maintenance of the several departments of state government herein named for the period commencing on the first Monday of January, 1917, and ending on the first Monday of January, 1919. The sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the State.

The amounts specifically appropriated for specific purposes by this Act constitute the whole amount appropriated and to be used by the department in question for any purpose during the period for which the appropriation is made.

For the State Auditor's Office.

Auditor's salary	\$6,000.00
Chief Clerk's Salary	4,800.00
Examiner's salary	4,000.00
Salaries of three clerks	8,520.00
Office expense:	
Postage	\$600.00
Stationery and supplies	700.00 1,300.00
Traveling expense of Examiner and deputy.....	1,500.00
Office expense for Examiner:	
Postage	100.00
Stationery and supplies	300.00 400.00
One safe cabinet	292.75
Contingent expense	680.00
Total	\$27,492.75

For the State Bank Examiner's Office.

Salary of Commissioner	\$8,000.00
Salary of one deputy	5,400.00
Salary of one deputy	4,800.00
Clerk and stenographer	2,400.00
	\$20,600.00

Traveling expenses, including railroad and stage fare and hotel accommodations	4,800.00
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General office expense:

Printing and Stationery, including two annual reports to Governor, 250 copies of each to be printed for distribution, and blank letter heads, envelopes, etc.	\$870.00	
Postage	300.00	
Telephone and telegraph	150.00	
Office furniture and fixtures	100.00	
Contingent office expense.....	80.00	
Bonds for deputies	95.00	1,595.00

Total	\$26,995.00
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For the Attorney General's Office.

Salary of Attorney General.....	\$8,000.00
Salary of one assistant	6,000.00
Salary of one assistant	4,800.00
Two stenographers	4,320.00
Traveling expense	600.00

Office expense:

Postage, stationery and supplies and printing briefs	2,000.00
Contingent expense	1,600.00

Total	\$27,320.00
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For the Secretary of State's Office.

Salary of Secretary of State	\$6,000.00
Traveling expenses of Secretary	500.00
Chief Clerk's salary	4,000.00
Salary of Assistant Chief Clerk	2,640.00
Salary of Highway Clerk	3,000.00
Salary of two stenographers	4,080.00

Office expense:

Postage	\$1,000.00	
Stationery and supplies, record books, election blanks, certificates and other blanks	2,000.00	3,000.00

Printing of corporation laws, road laws, election laws and biennial reports	1,850.00
Printing of Session Laws	2,500.00
Printing House and Senate journals	2,000.00
Expenses State Board of Examiners	200.00
Advertising corporations	500.00
Printing constitutional amendments and contingent expenses	400.00
Total	\$30,670.00

For the Governor's Office.

Governor's salary	\$10,000.00
Secretary's salary	5,000.00
Stenographer and clerk	2,400.00
Stenographer	2,000.00
Telegraph and telephone	1,000.00
Postage	500.00
Printing and stationery	650.00
Dues for U. S. Governors' conference	450.00
Expenses in connection with the clearlisting of state land	500.00
Traveling expenses, visiting state institutions	500.00
Contingent fund	1,000.00
Total	\$24,000.00

SEC. 2. That the compensation and salaries for all state officials, deputies and employes, appropriated by Section 1 of this Act, shall be in full for services to be rendered by such officials, deputies or employes to the State during the period for which such appropriations are made.

SEC. 3. That the State Auditor shall quarterly, on the first day of January, April, July and October of each year, render to the head of each State office or department for which an appropriation is made by this Act a statement of the balance or balances in the appropriation or appropriations made for such office or department.

SEC. 4. That the State Auditor is hereby authorized and directed, upon the presentation of the proper vouchers or claims against the State, approved by the State Board of Examiners, as provided by law, to draw his warrant against the

proper funds or appropriations for the payment of such vouchers or claims, and it shall be the duty of the State Auditor to classify such vouchers or claims in a book for that purpose in such manner that the amounts to be charged, as shown by such vouchers or claims, to any office or department for which an appropriation is made by this Act shall be kept separate and apart from the amounts of vouchers or claims of any other office or department of the State government. All such vouchers or claims approved by the State Board of Examiners shall be listed in such book in numerical order and shall be filed according to the number opposite the entry of such voucher or claim in said book.

SEC. 5. That each state officer, deputy or employe and each state board authorized by law to expend any appropriation herein made or otherwise made by law shall keep an itemized account of all expenditures made by him or them or under his or their direction and report the same in itemized form, as to classes of expenditures, to the Committees on State Affairs and on Appropriations of the fifteenth regular session of the State Legislature.

SEC. 6. That no officer, deputy, employe or state board having the direction or control of the expenditure of any appropriation made by this Act or otherwise made by law shall enter into any contract or agreement or otherwise create any expense or incur any liability, moral, legal or other, in excess of the appropriation herein made for the specific purposes mentioned unless authority to make such expenditures or to incur such liability has been previously given in writing by the State Board of Examiners of the State of Idaho.

Any person or persons violating the provisions of this Act with reference to expenditures shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished therefor as provided by law and, in addition to any other punishment which may be imposed, shall be removed from the office or position held by him. Any indebtedness created or attempted to be created against the State of Idaho in violation of the provisions of this Act or any indebtedness attempted to be created against the State of Idaho in excess of the proper appropriation, whether made by this Act or by other provisions of law, shall be void.

SEC. 7. Whereas, an emergency exists therefor, this Act

shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 64.

(H. B. No. 133.)

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF ONE MILLION DOLLARS (\$1,000,000); APPROPRIATING THE PROCEEDS OF THE SALE THEREOF FOR THE PAYMENT OF A PORTION OF THE COST OF LAYING OUT, SURVEYING AND CONSTRUCTING A SYSTEM OF STATE HIGHWAYS IN THE STATE OF IDAHO; PROVIDING A REDEMPTION OR SINKING FUND FOR THE PAYMENT OF THE SAID BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME BECOMES DUE; APPROPRIATING THE MONEYS WHICH SHALL ACCRUE TO SUCH SINKING FUND FOR THE PURPOSES FOR WHICH PROVIDED; PROVIDING THE MANNER OF SALE OF SAID BONDS; DIRECTING THE STATE HIGHWAY COMMISSION HOW TO APPLY THE PROCEEDS OF THE SALE OF SAID BONDS HEREBY AUTHORIZED; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT OR ANY PART THEREOF, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing moneys to be used in paying for a portion of the cost of laying out, surveying and constructing a system of state highways in the State of Idaho a loan of One Million Dollars (\$1,000,000.00) is hereby authorized to be negotiated upon the faith and credit of the State of Idaho.

SEC. 2. That the State Treasurer of the State of Idaho is hereby authorized, empowered and directed, immediately upon the taking effect of this Act, to issue one thousand (1,000) bonds of the State of Idaho, numbered consecutively from one (1) to one thousand (1,000), both inclusive, in the sum of One Hundred Dollars (\$100.00) each, and the said State Treasurer shall in like manner issue one thousand (1,000) bonds of the State of Idaho, numbered consecutively from one thousand and one (1,001) to two thousand (2,000), both inclusive, in the sum of Five Hundred Dollars (\$500.00)

each, and the said State Treasurer shall furthermore issue in like manner four hundred (400) bonds of the State of Idaho, numbered consecutively from two thousand and one (2,001) to two thousand four hundred (2,400), both inclusive, in the sum of One Thousand Dollars (\$1,000.00) each, all of which shall be known as Idaho State Highway Bonds, Second Issue, and shall become due twenty (20) years from the date of their issuance. Such bonds shall bear interest at a rate which shall not exceed the rate of four and one-half ($4\frac{1}{2}$) per centum per annum, and such interest shall be paid in equal semi-annual installments upon the first day of January and the first day of July in each year. Such installments of interest shall be evidenced by forty (40) interest coupons attached to each bond in such manner that they may be detached and removed without mutilating either the bond or the coupons themselves and be numbered consecutively from one (1) to forty (40) inclusive. Any or all of said bonds may, at the pleasure of the State, be paid off and redeemed after ten years from their date of issuance.

SEC. 3. The State Treasurer shall at once cause to be printed or lithographed suitable bonds in proper form with interest coupons attached thereto for the purpose of carrying out the provisions of this Act.

SEC. 4. All bonds issued under and by virtue of the provisions of this Act shall be signed by the Governor of the State of Idaho with his own proper name and in his official capacity. They shall likewise be signed by the Secretary of State in his official capacity and be authenticated by having attached to each the Great Seal of the State of Idaho.

SEC. 5. After being signed by the Governor and the Secretary of State and being authenticated as hereinbefore provided the said bonds shall be delivered to the State Auditor who shall make and keep in his office a register fully and properly describing each bond and the interest coupons attached thereto in the manner and form in which bonds heretofore issued by the State of Idaho are described in the registers thereof kept in the office of the State Auditor. Having so registered the same, the State Auditor shall deliver the bonds to the State Treasurer and shall charge the Treasurer with the full par value thereof.

SEC. 6. The State Treasurer shall make and keep in his

office a register of all bonds issued under the provisions of this Act, which register shall show all those things required to be shown by the register thereof kept in the office of the State Auditor and such other information with respect thereto as the Treasurer shall deem it proper and necessary to record.

SEC. 7. When ready to make delivery of same the State Treasurer shall sign each of said bonds with his own proper name and in his official capacity as such State Treasurer and he shall in like manner sign each of the interest coupons attached thereto, which signing shall bind the State of Idaho. The State Treasurer shall make delivery of the bonds to the purchaser thereof on behalf of the State of Idaho and shall at the same time make collection from said purchaser of the full amount of the price for which the same are sold.

SEC. 8. All moneys received from the sale of the Idaho State Highway Bonds, Second Issue, shall be paid into the Idaho State Highway Fund and with such other moneys as shall accrue thereto shall constitute such fund. Any moneys which may in any manner hereafter accrue to and become a part of said fund are hereby appropriated and made available for the laying out, surveying and constructing of a system of state highways in the State of Idaho, including all bridges, culverts and grades and the purchase of rights-of-way forming a part thereof or being necessary to be had, used or occupied in connection therewith and for such purposes only. No moneys shall at any time be withdrawn permanently from said fund except upon the warrant of the State Auditor.

SEC. 9. For the purpose of creating a fund, which said fund is hereby designated as the State Highway Redemption Fund, Second Bond Issue, out of which shall be paid the principal and interest upon the bonds to be issued under and by virtue of the provisions of this Act there is hereby levied a tax of one-tenth of one mill (\$.0001) upon each dollar in value of the taxable property within the State, the same to be known as the State Highway Tax, and the proceeds of the same are hereby appropriated and set aside until such time as the said Idaho State Highway Bonds, Second Issue, and all interest which shall have accrued thereon are fully paid and redeemed. The moneys accruing from the source above mentioned, which are hereby diverted, appropriated and set aside for the purposes above set forth, shall be by the State Auditor

and State Treasurer credited to and placed in the said State Highway Redemption Fund, Second Bond Issue, out of which Fund the State Treasurer shall pay the interest upon the said Idaho State Highway Bonds, Second Issue, as the same shall become due, and upon any day upon which the interest coupons attached to said bonds become due, beginning January 1, 1927, he shall also pay so much of the principal of said bonds as it may be possible to pay after reserving in said fund moneys sufficient in amount to pay the interest upon those said bonds then outstanding which will accrue and become due during and within the next ensuing year.

SEC. 10. If at any time there shall not be sufficient moneys in the said State Highway Redemption Fund, Second Bond Issue, to pay the interest upon or principal of the Idaho State Highway Bonds, Second Issue, authorized by this Act, then due, the State Treasurer of the State of Idaho shall pay the same out of the general fund of the State. The State Treasurer shall, however, as soon thereafter as sufficient moneys for that purpose have accrued to the said State Highway Redemption Fund, Second Bond Issue, repay to the state general fund all amounts taken therefrom under this provision and not previously repaid.

SEC. 11. For the payment of the bonds authorized to be issued under and by the provisions of this Act and the interest which shall accrue thereon, according to the strict terms hereof, the faith and credit of the State of Idaho is solemnly pledged, and for the payment of such bonds and the interest thereon in lawful money of the United States of America as and when the same shall become due the State Treasurer shall reserve any and sufficient of the money in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest upon and the principal of other bonds of the State of Idaho heretofore issued under acts of the Legislature of said State.

SEC. 12. Immediately upon the taking effect of this Act the State Treasurer shall give two weeks' notice by publication in two newspapers of general circulation published in different sections of the State of Idaho of the intention of the State of Idaho to sell the bonds authorized by the provisions of this Act, and shall invite bids therefore: *Provided*, That said bonds may be sold in installments from time to time and in such

amounts as the State Highway Commission shall certify to be necessary to furnish funds for the purposes enumerated in this Act as the work of construction of state highways progresses. Said bonds must be sold at not less than the par value thereof, upon the best terms offered and at the lowest rate of interest named by any bidder. The State Treasurer shall have the right to reject any and all of the bids offered and may re-advertise for bids, as herein provided.

SEC. 13. The expenses of printing or lithographing and procuring suitable bonds with interest coupons attached, for the purpose of carrying out the provisions of this Act, shall be paid out of the moneys arising from the sale thereof as an expense incident to the laying out, surveying and constructing of said system of state highways.

SEC. 14. The said State Highway Bonds, Second Issue, to be issued under the provisions of this Act, shall bear date January 1, 1917, and become due January 1, 1937. Both bonds and interest coupons herein authorized to be issued shall be payable at the office of the State Treasurer at Boise, Idaho.

SEC. 15. The State Highway Commission of the State of Idaho is hereby directed to apply the proceeds of the said Idaho State Highway Bonds, Second issue, as follows, to-wit:

(a) To the completion of the state highway extending from the Idaho-Utah state line in Bear Lake County through the Counties of Bear Lake, Bannock, Power, Cassia, Twin Falls, Gooding, Elmore, Ada, Canyon and Washington to the Idaho-Oregon state line, not less than One Hundred Sixty Thousand Dollars, (\$160,000.00).

(b) To the completion of the state highway extending from the Idaho-Utah state line in Franklin County through the Counties of Franklin, Bannock, Bingham, Bonneville, Jefferson, Madison and Fremont to the Idaho-Montana state line near the boundary of Yellowstone Park, not less than Eighty-five Thousand Dollars (\$85,000.00).

(c) To the construction of the state highway extending from the town of Mackay through the Counties of Custer and Lemhi to a point on the Idaho-Montana state line in the vicinity of Gibbonsville, not less than One Hundred Twenty Thousand Dollars (\$120,000.00).

(d) To the construction of the state highway extending northerly from Weiser, through the Counties of Washington,

Adams, Idaho, Lewis, Nez Perce and Latah, commonly known as the north and south highway, not less than Three Hundred Seventy-five Thousand Dollars (\$375,000.00).

(e) To the completion of a section of the state highway extending through the Counties of Kootenai and Shoshone from the Idaho-Washington state line to the Idaho-Montana state line, not less than Seventy-five Thousand Dollars (\$75,000.00).

(f) To the completion of any of the above named state highways or to the completion or construction of other state roads or bridges in co-operation with counties of the State of Idaho or the Federal Government or both, in such amounts as deemed proper by the State Highway Commission and for the reimbursement of certain counties which have advanced funds for the payment of the entire cost of the construction of certain sections of state highways during the year 1916 when state funds were not available for such work, the remainder of the proceeds of the said Idaho State Highway Bonds, Second Issue.

(g) The foregoing allotment is made contingent upon the availability of co-operative funds to be supplied by counties, highway districts and the Federal Government, as provided by law, or funds supplied by private donation or received from any other source, and should it appear to the satisfaction of the State Highway Commission at any time subsequent to January 1, 1918, that co-operative funds will not be supplied in the necessary amounts to make use of the entire sums named in any of the items enumerated in this section of this Act, the State Highway Commission may use, at its discretion, any such amounts remaining available for the construction or completion of such state highways as deemed by it for the best interests of the State.

SEC. 16. All acts or parts of acts in conflict with this Act or any part thereof are hereby repealed.

SEC. 17. An emergency existing theretor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 65.

(H. B. No. 180.)

AN ACT

GRANTING RELIEF TO A. P. RAMSTEDT, JOHN W. GRAHAM AND A. L. FREEHAFFER, PUBLIC UTILITIES COMMISSIONERS OF THE STATE OF IDAHO, ON ACCOUNT OF BALANCE DUE ON SALARIES FOR THE YEAR 1916, AND APPROPRIATING THEREFOR THE SUM OF FOUR HUNDRED TWENTY-TWO DOLLARS AND FIFTY-EIGHT CENTS (\$422.58).

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated for the relief of A. P. Ramstedt, John W. Graham and A. L. Freehafer out of the general fund of the State Treasury not otherwise appropriated the sum of Four Hundred and Twenty-two Dollars and Fifty-eight Cents (\$422.58), on account of unpaid balance due said A. P. Ramstedt, John W. Graham and A. L. Freehafer on salaries for the month of December, 1916, as Public Utilities Commissioners of the State of Idaho, said balance being unpaid for the reason that the Thirteenth Session of the Legislature of the State of Idaho failed to appropriate sufficient moneys to pay the salaries of said Public Utilities Commissioners as provided by law.

SEC. 2. That the State Auditor is hereby authorized and directed to draw warrants on the general fund in the State Treasury not otherwise appropriated in favor of the said A. P. Ramstedt, John W. Graham and A. L. Freehafer for the sum of One Hundred and Forty Dollars and Eighty-six Cents (\$140.86) each and to deliver said warrants to said A. P. Ramstedt, John W. Graham and A. L. Freehafer.

SEC. 3. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage.

Approved March 20, 1917.

CHAPTER 66.

(H. B. No. 191.)

AN ACT

CREATING A STATE BOARD OF AGRICULTURE, DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR THE MEMBERSHIP THEREOF; LOCATING A STATE FAIR AT

BOISE, IDAHO, AND A LIVESTOCK SHOW AT LEWISTON, IDAHO, AND A SEED SHOW AT SOME PLACE TO BE DESIGNATED IN THE STATE BY SAID BOARD, AND MAKING AN APPROPRIATION THEREFOR, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby established and created a board to be known as the "State Board of Agriculture," consisting of five members as follows: The Secretary of State, the State Treasurer and three members to be appointed by the Governor, as hereinafter provided.

SEC. 2. Within twenty days after the passage and approval of this Act the Governor shall appoint as members of the State Board of Agriculture the following named officers, to-wit:

The Director of Farm Markets, the State Veterinarian and the State Horticultural Inspector: *Provided*, That should any or all of said offices be abolished by legislative enactment the Governor shall appoint a competent person instead of the official hereinabove named, whose office has been so abolished.

SEC. 3. The terms of office of said appointees shall be from the date of such appointment until the first day of April, 1919, at which time their successors shall be appointed and biennially thereafter.

SEC. 4. The members of said board shall receive no compensation for their services as such members, but shall be allowed their actual hotel and traveling expenses incurred while engaged in the performance of their duties.

SEC. 5. The board shall elect a president, who shall be a member of the board, a treasurer, who shall be custodian of all funds from whatever source received, except appropriations made by the Legislature, which appropriations shall remain in the custody of the State Treasurer, as other state funds, until paid out on warrants issued for the payment of bills certified by such board to the State Board of Examiners and allowed by such State Board of Examiners. The funds in the hands of the treasurer of said board shall be paid out upon the order of said board. Said treasurer shall give bond in such sum as shall be fixed by the board. Said board shall also elect a secretary, who shall perform such duties and receive such compensation as fixed by the board. The board may appoint such other officers, assistants and employes as it may deem neces-

sary to carry out the purposes of this Act and fix their compensation or salary.

SEC. 6. It shall be the duty of said board to promote the interests of agriculture, horticulture, stockraising, animal industry, manufacture, domestic arts and other industries of the State, and the board shall have the management and control of a State Fair, which must be held annually at Boise, Idaho, for the purpose of exhibiting the agricultural, horticultural, stock breeding, mining, mechanical, industrial and other products and resources of the State, including exhibits of the arts and sciences and other exhibits pertinent to exposition of human art, industry or skill, and in connection with said State Fair said board shall provide such other educational and entertainment features as in its judgment shall be necessary and proper. Said board must annually for the special advancement of the live stock industry of the State hold a livestock show at Lewiston and shall, for the special advancement of the seed industry and the improvement of the seeds used or grown in the State, hold a seed fair at such place within the State as the board may deem most conducive to the advancement of the seed industry, and the board may, in its discretion, maintain a permanent exhibit at or convenient to the State Capitol Building, showing the agricultural, horticultural, mining, mechanical, industrial and other products and resources of the State.

SEC. 7. The State Board of Agriculture, in that name, may contract and be contracted with, may maintain actions at law or suits in equity in respect to any matter within the scope of its authority, may lease, purchase or hold such real property as, in the judgment of said board, is necessary for the holding of said fairs and exhibitions, as hereinabove provided, and said board is hereby authorized to take and hold property, real and personal, acquired by gifts, subscriptions, donations and bequests, and in conducting and managing said fairs, shows and exhibitions, as provided in Section 6 hereof, it may co-operate with and accept assistance from counties, municipalities, private corporations, firms and persons interested in the advancement of such fairs, shows and exhibitions. Said board shall have authority to sell or dispose of personal property owned by it in such manner as the board may provide, when in the judgment of said board such sale or disposal best promotes the purposes of this Act.

SEC. 8. No money appropriated by the State, unless expressly so provided in the Act making the appropriation, shall be used for the purchase of fair grounds or for the purchase of grounds to be used for exhibition purposes. Said board shall cause separate accounts to be kept of all moneys appropriated by the State for each of said fairs, shows and exhibitions hereinabove provided to be held and also of all moneys received from gate receipts, subscriptions, donations and from other sources, and shall expend said moneys so received, other than said appropriations, in such manner as it may deem necessary and proper in preparing, holding, developing, enlarging or maintaining the fair, show or exhibition to which said funds belong: *Provided*, That any money expended or expense incurred for the joint benefit of two or more of said fairs, shows or exhibitions shall be prorated by said board on a just and equitable basis between said fairs, shows and exhibitions, so jointly benefited.

SEC. 9. The first meeting of the board shall be held at the State Capitol within thirty days after this bill has been approved by the Governor, and thereafter the board shall meet at such times and places as may be fixed by the board and may hold such special meetings as may be called by the president. The board shall have the power to make all such rules and regulations as may be necessary for the transaction of its business.

SEC. 10. The board shall, on or before the first day of January of each year, transmit to the Governor a report of the doings of said board setting forth the expenditures of the same for the previous year, giving each item in full and the date thereof, and it shall also transmit to the Governor and the Legislature at its regular sessions, a report on the agricultural, horticultural and stock-raising industries of the State with recommendations for needed changes in existing laws or additional legislation.

SEC. 11. For the purposes of putting into force and effect the provisions of this Act there is hereby appropriated out of the funds in the State Treasury, not otherwise appropriated the sum of Twenty-five Thousand Dollars (\$25,000.00) or so much thereof as may be necessary, Ten Thousand Dollars (\$10,000.00) of which amount to be for the Livestock Show at

Lewiston, Idaho, and Fifteen Thousand Dollars (\$15,000.00) for the State Fair at Boise, Idaho.

SEC. 12. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 67.

(H. B. No. 262.)

AN ACT

APPROPRIATING THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR THE PAYMENT OF THE EXPENSE OF MAINTENANCE, SUPERVISION, WAGES AND EQUIPMENT OF CONVICTS SENTENCED TO THE STATE PENITENTIARY, HEREAFTER PLACED AT WORK ON THE PUBLIC HIGHWAYS OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Fifteen Thousand Dollars (\$15,000.00) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of defraying the expense of maintenance, supervision, wages and equipment of convicts sentenced to the State Penitentiary, who may hereafter be placed at work upon any of the public roads and highways of the State of Idaho, under the supervision of the State Prison Board.

SEC. 2. That all claims for the maintenance, supervision, wages and equipment of said convicts on such highway work shall be examined by the State Board of Examiners and certified to the State Auditor, who shall thereupon draw his warrants for all bills and claims so allowed by the said State Board of Examiners.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 68.

(H. B. No. 285.)

AN ACT

MAKING AN APPROPRIATION FOR THE SUPPORT OF THE

BOISE SUMMER SCHOOL FOR TEACHERS FOR THE YEARS 1917 AND 1918, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the support and maintenance of the Boise Summer School for Teachers for the years 1917 and 1918 the sum of Three Thousand Dollars (\$3,000.00), to be expended under the direction and control of the State Board of Education.

SEC. 2. The sum herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the State.

SEC. 3. An emergency existing therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 69.

(H. B. No. 297.)

AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF THE IDAHO SOLDIERS' HOME, THE IDAHO INSANE ASYLUM AT BLACKFOOT, THE NORTHERN IDAHO SANITARIUM, THE IDAHO STATE SANITARIUM, THE IDAHO STATE PENITENTIARY AND THE CHILDREN'S HOME FINDING AND AID SOCIETY FOR THE TERM AND PERIOD COMMENCING ON THE FIRST MONDAY IN JANUARY, 1917, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1919; PROVIDING FOR THE RETURN TO THE GENERAL FUND OF THE STATE FROM THE MONEYS HEREIN APPROPRIATED FUNDS EQUAL IN AMOUNT TO ANY AND ALL MONEYS RECEIVED FROM ENDOWMENT OR OTHER SOURCES OF INCOME, WHICH ARE RECEIVED BY THE STATE TREASURER AND PLACED TO THE CREDIT OF THE SEVERAL INSTITUTIONS HEREIN NAMED; PROVIDING, THAT ALL FUNDS RECEIVED BY AND FOR THE USE OF THE INSTITUTION OR INSTITUTIONS NAMED IN THIS ACT SHALL BE TURNED INTO THE STATE TREASURY MONTHLY BY SUCH INSTITUTIONS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the

specific sums hereinafter mentioned or so much thereof as may be necessary for the support and maintenance of the institutions named herein. The amounts appropriated shall be expended for the specific purposes named and no other during the period commencing on the first Monday in January, 1917, and ending on the first Monday in January, 1919: *Provided, however,* That when any moneys or funds not appropriated herein are or have been received by the State Treasurer from endowment or other sources of income and placed to the credit of any institution or institutions herein named, excepting the Children's Home Finding and Aid Society of Idaho, funds in an amount or amounts equal to the money or moneys so received shall be withdrawn by the State Treasurer from the funds herein appropriated for the institution or institutions receiving such credit or credits and placed in the general fund of the State, and the appropriation or appropriations herein made for such institution or institutions shall be automatically decreased by such amount or amounts equal to such money or monies so received by such institution or institutions: *Provided further,* That all funds received by and for the use of any institution herein named shall be turned into the State Treasury monthly by such institution, and if said funds so reported and turned into the State Treasury properly belong to the institution reporting same, the State Treasurer shall place such funds to the credit of such institution:

Provided further, That with the approval of the State Board of Examiners any institution named herein may be allowed to expend the funds arising from the sale of stock, farm or garden products or other goods or articles produced within or by the institution for things necessary for the equipment or use of the institution without reducing the amount of the appropriations herein made for such institution. Written application for permission to make expenditures under this provision shall be made by the directors of the institution to the State Board of Examiners, and if such permission is given, a copy of the action of the State Board of Examiners shall be transmitted to the State Treasurer and to the Auditor for their guidance.

All sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the proper appropriations and on claims which shall have been

audited and allowed in the same manner as all other claims against the State. The amounts specifically appropriated for state purposes constitute the whole amount appropriated and to be used by any institution named herein for any purpose during the period for which this appropriation is made, and no officer, employe, board of regents or board of trustees of any institution named herein shall enter into any contract or agreement by which any liability, moral, legal or otherwise, shall be created against the State of Idaho in excess of the appropriations herein made unless written authority to make any specific expenditure in question shall have been first obtained from the State Board of Examiners of the State of Idaho.

Idaho Soldiers' Home

Maintenance:

Salary of Commandant	\$2,400.00
Salary of matron	960.00

Salaries of employes:

Surgeon	\$1,200.00	
Adjutant and druggist	1,800.00	
Trained nurse	1,560.00	
Hospital help	720.00	
Hospital help (second helper) ...	720.00	
Hospital cook	720.00	
Night watchman (hospital)	720.00	
Laundryman and tank cleaner ...	1,776.00	
Cook	2,400.00	
Night watch (main building) ...	600.00	
Janitor (first floor main building)	600.00	
Teamster	480.00	
Poultryman	480.00	
Janitor (second floor main building)	480.00	
Farmer	960.00	
Two waitresses	1,440.00	
Man in charge of Lincoln Hall ..	600.00	
Janitor (second floor)	360.00	
Linen departments	480.00	
Engineer	1,200.00	
Dishwasher	828.00	
Contingent salary fund	876.00	21,000.00

Food	30,000.00
Clothing	7,000.00
Laundry	500.00
Heating	6,000.00
Light	1,400.00
Stationery	300.00
Medicine	2,500.00
Household	2,000.00
Furniture and bedding	1,000.00
General Repairs	2,000.00
Farm	3,000.00
Funeral	1,500.00
Insurance	1,000.00
Miscellaneous and contingent fund	7,000.00

Total\$89,560.00

Improvements:

New washer for laundry	300.00
Repairs, basement Lincoln Hall	300.00
Leveling pasture	300.00
Laying new pipes	400.00
Steel flag pole	160.00

Total\$1,460.00

Idaho Insane Asylum at Blackfoot.

Maintenance:

Salaries:

Medical Superintendent	\$6,000.00
Supervisor and steward	1,680.00
Matron and bookkeeper	1,680.00
Cook	1,440.00
Assistant cook	960.00
Six attendants	5,760.00
Eight attendants	7,200.00
Nightwatch	960.00
Seamstress	960.00
Laundress	840.00
Laudryman	1,080.00
Engineer	1,800.00
Stockman	960.00
Superintendent's cook	780.00

Gardner	1,800.00	
Dining room assistant	780.00	
Miscellaneous farm help	4,000.00	
Contingent salary fund	3,000.00	\$41,680.00
Provisions		25,000.00
Furnishings and clothing		14,000.00
Fuel, light and power		6,000.00
Freight, express and transportation		15,350.00
Farm and dairy		6,000.00
Contingent fund		7,220.00
Board of trustees		1,000.00

Total\$116,250.00

Improvements:

Superintendent's cottage, furniture, etc. ..	\$12,500.00
New coal shed	1,250.00
Boiler	3,000.00
Repainting roof and building	1,000.00

Total\$17,750.00

Northern Idaho Sanitarium.

Maintenance:

Salaries:

Medical Superintendent	\$ 6,000.00	
Bookkeeper	1,200.00	
Matron	1,200.00	
One cook	1,200.00	
One cook	1,080.00	
One cook	840.00	
One gardener	1,440.00	
Twenty-three attendants	20,080.00	
Contingent salary fund	2,000.00	\$35,040.00
Clothing		5,000.00
Dispensary		500.00
Electric light, power and supplies		3,300.00
Express and freight		2,000.00
Farm supplies and feed		6,000.00
Fuel		4,000.00
Furniture and household furnishings		6,500.00
Provisions		28,000.00
Repairs		800.00

Stationery and advertising	150.00
Transportation of patients	3,100.00
Telegrams and telephone	200.00
Contingent fund	7,310.00
Directors' expense and per diem	700.00

Total\$102,600.00

Improvements:

Repairs and improvements to building	\$ 3,000.00
Construction of cow barn	2,500.00
Construction of permanent feeding sheds	2,000.00
Construction of permanent cellars	2,000.00

Total \$9,500.00

Idaho State Penitentiary.

Maintenance:

Salaries:

Warden	\$ 3,600.00	
Matron	1,200.00	
One deputy	2,640.00	
One clerk	2,040.00	
One traveling guard	2,040.00	
One outside guard	2,040.00	
Two turnkeys	4,080.00	
Twelve guards	18,720.00	
Two farmers	3,600.00	
One physician	960.00	\$40,920.00
Prison mess		24,390.00
Provisions for warden's residence		2,000.00
Provisions for guards' mess		7,000.00
Supplies, Gem State farm		2,500.00
Seed and supplies, Penitentiary farm		250.00
Feed and supplies for hogs		250.00
Feed and supplies for horses		1,000.00
Expense and feed for dairy		500.00
Stationery, books, stamps, etc.		1,000.00
Telegraph and telephone		360.00
Cash to discharged prisoners		1,000.00
Clothing to discharged prisoners		600.00
Clothing, shoes, etc.		8,000.00
Light, heat, power and water		15,000.00

Photographic supplies	150.00
Medicine and hospital supplies	1,000.00
Expense transporting prisoners	4,000.00
Seed and supplies, Moseley farm	400.00
Contingent fund	12,000.00
Parole officer	2,400.00

Total \$124,720.00

Repairs and Improvement:

New power house equipment, overhauling heating system and new pipe-line.....	7,000.00
New equipment for three farms	2,500.00
Repairs to roof and building	500.00
New dairy barn and hog pens	2,500.00

Total..... \$12,500.00

Idaho State Sanitarium.

Maintenance:

Salaries:

Medical Superintendent	\$ 2,400.00
Seven attendants	3,500.00
One matron	1,000.00
One cook and two assistants..	2,100.00
One laundryman	700.00
One farmer	900.00
One fireman	400.00
	\$11,000.00
Provisions, clothing and fuel	12,000.00
Moving patients and contingent fund.....	5,700.00

Total \$28,700.00

Buildings and Improvements:

Finishing main building	\$14,000.00
Dining room and laundry building	8,000.00
Sewage system	750.00
Deep water well	550.00
Pump and tank	1,000.00
Heating plant	5,000.00
Cottage for Superintendent	2,000.00
Furnishing buildings	5,000.00

Total \$36,300.00

Children's Home Finding and Aid Society.

For general maintenance, the amount appropriated to be divided between the northern and southern districts of Idaho, as the Board of Directors of the Children's Home Finding and Aid Society may deem proper and equitable, not less than one-third, however, of the amount herein appropriated to be apportioned to the northern district \$13,500.00

SEC. 2. Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be subject, on conviction thereof, in addition to any other penalties which may be imposed by law, to removal by order of the Governor of the State of Idaho from the position held.

SEC. 3. An emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 70.

(H. B. No. 316.)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF HONORARIUM, SALARIES, COMPENSATION AND GENERAL EXPENSES OF THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND FOR THE SUPPORT, MAINTENANCE AND GENERAL EXPENSES OF THE EDUCATIONAL INSTITUTIONS OF THE STATE OF IDAHO COMPRISING THE UNIVERSITY OF IDAHO AND THE AGRICULTURAL COLLEGE, THE LEWISTON STATE NORMAL SCHOOL, ALBION STATE NORMAL SCHOOL, THE IDAHO TECHNICAL INSTITUTE, THE INDUSTRIAL TRAINING SCHOOL AND THE DEAF AND BLIND SCHOOL FOR THE TERM AND PERIOD COMMENCING ON THE FIRST MONDAY IN JANUARY, 1917, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1919; PROVIDING FOR THE RETURN TO THE GENERAL FUND OF THE STATE, FROM THE MONEYS HEREIN APPROPRIATED, FUNDS EQUAL IN AMOUNT TO ANY AND ALL MONEYS RECEIVED BY THE STATE TREASURER, BY THE TREASURER, ANY AGENT OR EMPLOYEE OF THE BOARD, INSTI-

TUTION OR INSTITUTIONS HEREIN NAMED, WHICH ARE AVAILABLE FOR USE DURING THE CURRENT BIENNIUM; AND PROVIDING THAT ALL FUNDS RECEIVED BY AND FOR THE USE OF THE BOARD, INSTITUTION OR INSTITUTIONS NAMED IN THIS ACT, EXCEPT FEDERAL AID RECEIVED FROM THE GOVERNMENT OF THE UNITED STATES WHICH, UNDER THE LAW GRANTING SAID AID, MUST BE RETAINED BY THE INSTITUTION RECEIVING THE SAME, SHALL BE TURNED INTO THE STATE TREASURY MONTHLY BY SUCH INSTITUTION, BOARD OR DEPARTMENT; PROVIDING THAT IF SAID FUNDS SO REPORTED AND TURNED INTO THE STATE TREASURY PROPERLY BELONG TO THE INSTITUTION, BOARD OR DEPARTMENT REPORTING SAME THEY SHALL BE PLACED TO THE CREDIT OF SAID INSTITUTION, BOARD OR DEPARTMENT BY THE STATE TREASURER, AND PROVIDING FOR ROTARY FUNDS, ALSO DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the following sums of money or so much thereof as may be necessary are hereby appropriated for the support and maintenance of the State Board of Education, the State Superintendent of Public Instruction and the several State educational institutions for the period commencing on the first Monday in January, 1917, and ending on the first Monday in January, 1919:

Provided, however, That when any moneys or funds, not appropriated herein and which are properly available for the expenses of the current biennium are or have been received subsequent to February 1, 1917, except Federal funds, which shall be computed as of January 1, 1917, by the State Treasurer, by the treasurer of any institution or institutions herein named or by any agent or employe thereof from endowment or other sources of income for the support and maintenance of any work or operation carried on under the authority, control and direction of the State Board of Education and Board of Regents of the University of Idaho or any institutions, departments, officers or employes of said Board, funds in an amount or amounts equal to the money or moneys so received shall be withdrawn by the State Treasurer from the funds herein appropriated for the board or institution receiving such funds and placed in the general fund of the State, and the appropriation or appropriations herein made for such board or institution shall be decreased automatically by such amount or

amounts equal to such money or moneys so received by such board or institution:

Provided further, That all funds received by and for the use of the board or any institution named herein, except federal aid received from the government of the United States which, under the law granting said aid, must be retained by the institution receiving the same, shall be turned into the State Treasury monthly by such board or institution, and if said funds so reported and turned into the State Treasury properly belong to the board or institution reporting the same, the State Treasurer shall place such funds to the credit of said board or institution:

Provided, That vouchers shall be presented and honored for a rotary or general expense fund for each institution in the amounts named below or in such larger amounts as may be deemed advisable and expedient by the State Board of Examiners:

University of Idaho	\$5,000.00
Lewiston State Normal School	1,500.00
Albion State Normal School	1,500.00
Idaho Technical Institute	1,500.00
Industrial Training School	1,500.00
School for Deaf and Blind	500.00

All sums hereinafter appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the State only. The amounts herein specified constitute the whole amounts appropriated by the Legislature of the State of Idaho for the purposes specified, and no greater sum or sums shall be expended for the said purposes in any manner which will create a further claim against the State of Idaho:

Provided, That when any institution sells livestock, farm or garden produce or other goods or articles produced by the institution the proceeds of such sales shall be dealt with in accordance with the general provisions of this Act, except that the State Board of Examiners, on application from the State Board of Education, may authorize the said proceeds to be expended for supplies, equipment, labor or other facilities without said proceeds being deducted from the appropriation herein made for such institution. When such application is

granted by the said board of examiners written notice of its action shall be sent to the State Treasurer and the State Auditor for their guidance in the disposition and accounting of such funds.

State Board of Education and Board of Regents of the University of Idaho and State Superintendent of Public Instruction.

Honorarium of board \$ 1,000.00

Salaries:

Commissioner of education\$10,000.00

State Superintendent of Public

Instruction 4,800.00

Business agent 4,320.00

Certification clerk 2,160.00

Chief clerk 1,980.00

Stenographer 1,800.00

Filing clerk 1,800.00

Bookkeeper 1,800.00

Contingent salary fund 1,540.00 30,200.00

Miscellaneous expense:

Telephone and telegraph 400.00

Printing 2,500.00

Postage 1,300.00

Office expense 1,500.00 5,700.00

Traveling expense 6,000.00

Examiners' fees 2,200.00

Examination questions 1,000.00

Addressograph and other office equipment..... 500.00

Contingent fund 1,000.00

Total amount appropriated.....\$47,600.00

University of Idaho.

Maintenance:

Dormitory and dining hall:

Board and room\$ 24,000.00

College of Letters and Science:

Salaries 155,000.00

Equipment, supplies and
expense 25,000.00

College of Agriculture:

Salaries 80,000.00

Equipment, supplies and expense	40,000.00
College of Engineering:	
Salaries	25,000.00
Equipment, supplies and expense	3,500.00
College of Law:	
Salaries	15,000.00
Equipment, supplies and expense	1,500.00
Administration:	
Salaries	40,070.00
Equipment, supplies and expense	2,500.00
Cooperative work geological survey	4,000.00
Operation:	
Salaries	12,000.00
Sundry labor	4,000.00
Stationery and office supplies ..	1,500.00
Freight and express	1,000.00
Bulletins and publications	3,000.00
Public Lectures	500.00
Postage	2,000.00
Fuel	16,500.00
Water	2,000.00
Light and power	3,500.00
Telephone and telegraph	2,000.00
Improvement of Grounds	1,000.00
Tiling and fencing	2,500.00
Experiment stations:	
Aberdeen	5,000.00
Caldwell (2 stations)	7,800.00
Sandpoint	5,000.00
Work with insect pests	4,000.00
Cooperative soil survey work ..	1,200.00
Emergency calls in insect pest plant and animal diseases and soil investigation	1,200.00
Agricultural extension	89,030.00
Smith-Lever offset	19,430.00

General repairs:

Engineering building	4,500.00	
Morrill hall	3,600.00	
Mining building	2,700.00	
Metallurgy	1,800.00	
Greenhouse equipment	4,500.00	
Contingent repair fund	3,200.00	20,300.00
Miscellaneous and contingent		28,830.00

Total amount appropriated for maintenance..\$648,860.00

For new building and other Capital additions:

South wing to administration building, Dairy building, Paving, walks and lighting of grounds, Miscellaneous farm build- ings, purchase of lands and contingent fund	\$112,000.00
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Lewiston State Normal School.

Maintenance:

Dormitory and dining hall expenses and supplies	\$ 38,000.00
Salaries	113,000.00
Summer school	6,000.00
Fuel	8,000.00
Building repairs	1,600.00
Campus improvement	1,000.00
Insurance	1,000.00
Water, light and power	1,900.00
Printing	1,600.00
Traveling expenses	1,000.00
Postage, office supplies and equipment....	1,000.00
Telephone and telegraph	800.00
Gas	500.00
Repair and replacement of equipment.....	600.00
New equipment	1,500.00
Janitor's supplies	1,000.00
Contingent	11,290.00

Total amount appropriated for maintenance \$189,790.00

Building:

New west wing main building	\$ 40,000.00
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Total amount appropriated for building.....	\$ 40,000.00
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Albion State Normal School.

Maintenance:

Dining hall expense and supplies (present plant)	\$ 43,000.00
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Dormitory operation and expense (present plant)	8,000.00
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Dormitory operation and expense (new dormitory)	4,000.00
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Salaries	70,000.00
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Library	1,500.00
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Summer school	8,000.00
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Building repairs and alterations	2,800.00
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Fuel	8,000.00
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Insurance	400.00
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Printing	1,500.00
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Light and power	1,800.00
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Water system	5,000.00
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Storehouse	400.00
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Traveling expense	800.00
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Office expense	1,500.00
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Laboratory class room and office supplies...	3,000.00
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Repair and replacement of equipment.....	2,000.00
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Freight and drayage	600.00
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Miscellaneous and contingent	6,900.00
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Total amount appropriated for maintenance	\$169,200.00
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Buildings:

Women's residence	\$30,000.00
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Total amount appropriated for building.....	\$30,000.00
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Idaho Technical Institute.

Maintenance:

Dormitory and dining hall expense and supplies	\$35,000.00
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Salaries	88,000.00
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Library	2,500.00
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Fuel	4,000.00
Insurance	1,200.00
Printing and publishing	1,500.00
Traveling expenses	800.00
Water, light and power	1,600.00
Postage and office expense	1,000.00
Telegraph and telephone	400.00
Building improvements and alterations	4,000.00
Implement shed and milk house	1,000.00
Campus improvement	1,000.00
High school visitation	600.00
Office, laboratory and class room supplies and equipment	10,000.00
Contingent	11,572.00

Total amount appropriated for maintenance.. \$164,172.00

Capital additions:

Physical education building \$40,000.00

Total amount appropriated for capital additions \$40,000.00

Industrial Training School.

Maintenance:

Salaries	\$55,440.00
Provisions	22,500.00
Meat	3,000.00
Clothing	6,000.00
Household furniture and supplies	8,200.00
Library and music	1,000.00
Farm and garden supplies and equipment...	7,000.00
Shop equipment and supplies	2,000.00
School supplies	500.00
Entertainment and amusement	1,500.00
Postage and stationery	500.00
Insurance	1,000.00
Water, light and power	4,000.00
Fuel	10,000.00
Traveling expense of pupils and officers	2,500.00
Repairs, up-keep and alterations of buildings and grounds	7,000.00
Hospital equipment and supplies	1,000.00

Miscellaneous and contingent fund	9,500.00
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Total amount appropriated for maintenance	\$142,640.00
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Capital Additions:

School building and equipment	8,000.00
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Gymnasium	7,000.00
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Total amount appropriated for capital additions	\$15,000.00
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*Deaf and Blind School.***Maintenance:**

Salaries	\$42,000.00
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Medical supplies and services	1,500.00
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Instructional supplies and equipment	2,000.00
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Provisions and home supplies	10,000.00
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Fuel	3,500.00
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Water, light and power	1,700.00
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Repairs and alterations of building	2,500.00
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Repair and replacement of equipment	1,000.00
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Insurance	500.00
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Printing, publishing and advertising	200.00
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Traveling expense of pupils	2,000.00
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Library	1,000.00
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New equipment	2,000.00
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Miscellaneous and contingent	6,100.00
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Total amount appropriated for maintenance..	\$76,000.00
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SEC. 2. That the State Auditor shall, quarterly, on the first day of January, April, July and October of each year, for which the appropriations as herein named are made, render to the State Board of Education and Board of Regents of the University of Idaho a statement of the balance in each fund for which an appropriation is made by this Act.

SEC. 3. That the State Auditor is hereby authorized, upon presentation of the proper vouchers or claims against the State, approved by the State Board of Examiners, as provided by law, to draw his warrant upon the proper fund and against the proper appropriation made by Section 1 of this Act, and he shall classify such vouchers as to the several state institutions and funds to which they may pertain.

SEC. 4. That the State Board of Education or any member,

officer, agent or employe thereof or the Board of Regents of the University of Idaho or any member, officer, agent or employe thereof or the State Superintendent of Public Instruction or any agent or employe thereof shall enter into no contract or agreement creating any expense or incurring any liability, moral, legal or otherwise, in excess of the appropriations herein named or made for the specific purposes mentioned or for any other purpose, unless written authorization to make such expenditure or to incur such liability has been obtained from the State Board of Examiners of the State of Idaho. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall be subject to removal from the position held by the Governor of the State. Any indebtedness attempted to be created against the State in violation of the provisions of this Act shall be void.

SEC. 5. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 71.

(H. B. No. 337.)

AN ACT

MAKING APPROPRIATIONS FOR THE PAYMENT OF SALARIES AND TRAVELING EXPENSES OF OFFICERS, DEPUTIES AND EMPLOYES OF CERTAIN EXECUTIVE DEPARTMENTS OF THE STATE GOVERNMENT; MAKING AN APPROPRIATION FOR GENERAL OFFICE AND OTHER EXPENSES OF CERTAIN STATE DEPARTMENTS AND OFFICES, INCLUDING THE OFFICES OF STATE TREASURER, STATE ENGINEER, INSPECTOR OF MINES, LAND DEPARTMENT, PUBLIC UTILITIES COMMISSION, DEPARTMENT OF FARM MARKETS, OFFICES OF STATE VETERINARIAN, DAIRY, FOOD AND SANITARY INSPECTION, STATE BOARD OF HORTICULTURE, STATE BOARD OF HEALTH, BUREAU OF VITAL STATISTICS, BACTERIOLOGICAL LABORATORY AND STATE CHEMIST, THE DISTRICT COURTS, THE CAPITOL BUILDING AND GROUNDS, THE IDAHO FREE TRAVELING LIBRARY AND LAVA HOT SPRINGS AND FOR THE GENERAL MAINTENANCE THEREOF FOR THE PERIOD COMMENCING ON THE FIRST MONDAY IN JANUARY, 1917, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1919, EXCEPT AS OTHERWISE INDICATED; AUTHORIZING THE EXPENDITURE BY THE OFFICE OF THE STATE VETERIN-

ARIAN OF ANY FUND OR FUNDS NOW IN THE STATE TREASURY TO THE CREDIT OF THE LIVESTOCK SANITARY FUND OR WHICH MAY HEREAFTER BE RECEIVED AND PLACED TO THE CREDIT OF SAID FUND, UPON THE STATE TREASURER WITHDRAWING FROM THE FUNDS HEREIN APPROPRIATED FOR SAID OFFICE AND PLACING IN THE GENERAL FUND OF THE STATE FUNDS EQUAL IN AMOUNT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sums hereinafter specifically set out or as much thereof as may be necessary for the purposes named and for no other, for the support and maintenance of certain departments of state government and for other purposes for the period commencing on the first Monday in January, 1917, and ending on the first Monday in January, 1919, except as herein otherwise indicated. The sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the State. The amounts specifically appropriated for stated purposes by this Act constitute the whole amount appropriated and to be used by the department or office in question for any purpose during the period for which the appropriation is made.

State Treasurer's Office.

Salaries:

State Treasurer	\$8,000.00	
Deputy State Treasurer	5,000.00	
Chief Clerk	4,000.00	
Bookkeeper	3,000.00	
Three Stenographers	6,600.00	\$26,600.00
Printing biennial report	300.00	
Printed blanks and new books...	1,500.00	
Stationery	1,500.00	
Postage	1,500.00	
Advertising	100.00	
Telephone and telegraph	250.00	
Two typewriters	250.00	5,400.00
Contingent fund		1,000.00
Total		\$33,000.00

State Engineer's Office.

Salaries:

State Engineer	\$ 7,200.00	
Deputy State Engineer	4,800.00	
Hydrographers	10,000.00	
Proof Clerk	2,760.00	
Permit Clerk	2,040.00	
Clerk	1,800.00	
Clerk	900.00	
Carey Act Engineers	2,500.00	\$32,000.00
Postage	800.00	
Printing	1,200.00	
Office Supplies	1,000.00	3,000.00
Field Expenses, traveling, etc.		8,000.00
Contingent Fund		1,000.00
Total		\$44,000.00

Office of Inspector of Mines.

Salaries:

Inspector	\$4,800.00	
Stenographer and clerk	1,800.00	\$ 6,600.00
Traveling expense of inspector and deputy		2,000.00
Printing	\$ 1,200.00	
Postage	600.00	1,800.00
Contingent Fund		700.00
Total		\$11,100.00

State Board of Land Commissioners' Office.

Salaries:

Commissioners	\$ 6,000.00	
Chief Clerk	3,600.00	
Draftsman	2,760.00	
Stenographer	2,400.00	
Timber cruiser	3,600.00	
Three appraisers	7,000.00	\$25,360.00
Stamps, printing and office supplies		6,000.00
Traveling expense of appraisers		7,000.00
Legal fees		3,000.00
Mortgage foreclosure and taxes		10,000.00
Refunds on leases		700.00

Contingent Fund		6,800.00
Timber fire protection (north)	27,000.00	
Timber fire protection (south)	6,000.00	
Salary of Register	\$5,000.00	
Chief Clerk	3,600.00	
Two certificate clerks	4,800.00	
Lease and deed clerk	2,400.00	
Two stenographers	4,800.00	
Extra clerk	2,160.00	
Bookkeeper	3,000.00	
Carey Act Clerk	2,760.00	28,520.00
Total	\$120,380.00	

Public Utilities Commission.

Salaries:

Three commissioners	\$21,600.00	
Secretary	4,800.00	
Accountant	4,800.00	
Rate Clerk	4,800.00	
Reporter	3,600.00	
One stenographer	2,400.00	
One stenographer	2,040.00	
Filing clerk	2,040.00	\$46,080.00
Traveling Expenses of Commissioners and employees		3,600.00
Supplies, postage, etc.		5,150.00
Contingent fund, including expenses in connection with interstate rate cases, which affect shippers of the State of Idaho, and attendance on conferences with other state com- missions	\$3,600.00	\$58,430.00

Office of Director of Farm Markets.

Salaries:

Director	\$5,000.00	
Office Deputy	3,000.00	
Stenographer	1,800.00	
North Idaho deputy	2,750.00	\$12,550.00
Traveling expense		3,300.00
Telephone and telegraph	1,500.00	

Printing	2,000.00	
Postage	1,500.00	
Multigraph	225.00	
Typewriter	80.00	
Addressograph	150.00	
Ten Thousand name plates	350.00	5,805.00
Total		\$21,655.00

Office of State Veterinarian.

Salaries :

State Veterinarian	\$3,600.00	
Office deputy	3,000.00	
Office deputy	2,400.00	
Fifteen deputies	25,000.00	
Secretary L. S. S. Board.....	1,200.00	\$35,200.00
Traveling expense State Veterinarian.....	2,000.00	
Traveling expense deputies	8,400.00	
Traveling expenses L. S. S. Board.....	2,100.00	
Telephone and telegraph	\$600.00	
Printing	700.00	
Bonds	120.00	
Stamps	330.00	1,750.00
Total		\$49,450.00

Provided, That any and all funds now in the State Treasury to the credit of the Livestock Sanitary Fund or which may hereafter be received and placed to the credit of said fund may be expended by the Livestock Sanitary Board for the purposes herein designated, and the State Treasurer shall withdraw from the funds herein appropriated and return to the general fund of the State funds equal in amount to any funds now in the State Treasury to the credit of the Livestock Sanitary Fund or which may hereafter be received and placed to the credit of said fund, and the funds herein appropriated for the Livestock Sanitary Board shall be decreased automatically and such amount or amounts as are now on hand or may be received by the State Treasurer and placed to the credit of said fund.

Office of Dairy, Food and Sanitary Inspector.

Salaries :

Inspector	\$4,000.00
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Office deputy	2,400.00	
Salary and expense two field deputies and scale inspectors	8,800.00	
Stenographer	1,440.00	\$16,640.00
Traveling expenses of Inspector		1,200.00
Contingent Fund		1,500.00
		\$19,340.00

Office of State Board of Horticultural Inspection.

Salaries:

Inspector	\$ 4,800.00	
Sixteen deputies and traveling expenses	17,000.00	
Deputy bee inspector	3,000.00	
Stenographer	2,160.00	\$26,960.00
Deputy inspectors' bonds		100.00
Board expense		400.00
Printing	400.00	
Telegraph, telephone, stamps and office supplies	440.00	
Contingent fund	100.00	940.00
Traveling expenses State Inspector.....		1,600.00
		\$30,000.00

For State Board of Health.

Salaries:

Secretary and Registrar	\$4,800.00	
Stenographer	1,800.00	\$ 6,600.00
General Expense:		
Printing	850.00	
Postage	350.00	
Traveling expense Secretary	250.00	
Traveling expense and per diem Board members	200.00	
Contingent fund	945.00	2,595.00

Bacteriological Laboratory.

Salaries:

State Bacteriologist	\$4,800.00	
Unskilled labor	1,000.00	5,800.00

Maintenance of Bacteriological Laboratory:

Postage	150.00	
Glassware, apparatus, freight, etc.	600.00	
Chemicals, stains, freight, etc.....	200.00	
Contingent funds	710.00	1,660.00

Chemical Laboratory.

Salaries:

State Chemist	\$4,000.00	
Unskilled assistant	1,000.00	\$ 5,000.00

Maintenance of Chemical Laboratory:

Apparatus and freight	\$500.00	
Chemicals and freight	300.00	800.00

Bureau of Vital Statistics.

Maintenance of the Bureau of Vital Statistics....	\$1,200.00
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Total	\$23,655.00
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District Courts.

Salaries:

12 judges	\$96,000.00	
12 court reporters	60,000.00	\$156,000.00

Traveling expenses:

District judges, to be paid in manner and proportion as per Section 3836 of the Revised Codes of Idaho	7,500.00	
District judges, when traveling outside their own districts..	2,500.00	
Court reporters	6,500.00	16,500.00

Total	\$172,500.00
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Capitol Building and Grounds.

Pay roll account	\$28,500.00	
Coal	8,000.00	
Power and Light	4,000.00	
Telephone and Telegraph	2,750.00	
Supplies	2,500.00	
Improvement and repairs	2,500.00	
Special tax and miscellaneous	1,550.00	
Laundry	200.00	\$50,000.00

Insurance	3,000.00
For removal of old and erection of new buildings and for walks, curbing, etc.	3,000.00
Painting and retinting	1,500.00
New roof and repairs on legislative halls and old capitol	1,500.00
Total	\$59,000.00

Idaho Free Traveling Library.

Salaries:

Librarian	\$2,400.00	
Assistant	1,800.00	\$ 4,200.00
Books	2,000.00	
Freight and express	1,000.00	3,000.00
Office expenses—boxes, crates, etc.		1,100.00
Total		\$8,300.00

Lava Hot Springs.

That the State Board of Land Commissioners be and the said Board hereby is authorized to expend such monies as may arise from leases, rentals, fees and other charges at the Lava Hot Springs and which may be at any time in the Lava Hot Springs Fund in the care, maintenance and improvement of the said Springs.

For general improvement and maintenance..... \$5,000.00

SEC. 2. That the compensation and salaries for all state officials, deputies and employes appropriated by Section 1 of this Act shall be in full for services to be rendered by such officials, deputies or employes to the State during the period for which such appropriations are made.

SEC. 3. That the State Auditor shall, quarterly, on the first day of January, April, July and October of each year, render to the head of each State office or department for which an appropriation is made by this Act a statement of the balance or balances in the appropriation or appropriations made for such office or department.

SEC. 4. That the State Auditor is hereby authorized and directed, upon the presentation of the proper vouchers or claims against the State, approved by the State Board of Ex-

aminers, as provided by law, to draw his warrant against the proper funds or appropriations for the payment of such vouchers or claims, and it shall be the duty of the State Auditor to classify such vouchers or claims in a book for that purpose in such manner that the amounts to be charged, as shown by such vouchers or claims, to any office or department for which an appropriation is made by this Act, shall be kept separate and apart from the amounts of vouchers or claims of any other office or department of the State government. All such vouchers or claims approved by the State Board of Examiners shall be listed in such book in numerical order and shall be filed according to the number opposite the entry of such voucher or claim in said book.

SEC. 5. That each state officer, deputy or employe and each state board authorized by law to expend any appropriation herein made or otherwise made by law shall keep an itemized account of all expenditures made by him or them or under his or their direction and report the same in itemized form, as to classes of expenditures, to the committees on State Affairs and on Appropriations of the fifteenth regular session of the State Legislature.

SEC. 6. That no officer, deputy, employe or state board having the direction or control of the expenditure of any appropriation made by this Act or otherwise made by law shall enter into any contract or agreement or otherwise create any expense or incur any liability, moral, legal or other, in excess of the appropriation herein made for the specific purposes mentioned unless authority to make such expenditures or to incur such liability has been previously given in writing by the State Board of Examiners of the State of Idaho.

SEC. 7. Whereas, an emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 72.

(H. B. No. 376.)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF
CLAIMS AGAINST THE STATE FOR SUPPLIES FURNISHED
AND FOR SERVICES RENDERED DURING THE YEARS

1914, 1915 AND 1916 IN THE SEVERAL DEPARTMENTS OF THE STATE GOVERNMENT FOR WHICH INSUFFICIENT APPROPRIATIONS WERE MADE IN THE GENERAL APPROPRIATION BILL PASSED AT THE THIRTEENTH SESSION OF THE IDAHO LEGISLATURE AND OTHER MISCELLANEOUS ITEMS, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the following sums of money are hereby appropriated out of any money in the State Treasury not otherwise appropriated for the payment of claims against the State, for supplies furnished and for services rendered during the years 1914, 1915 and 1916 in the several departments of the state government for which insufficient appropriations were made in the general appropriation bill passed at the Thirteenth Session of the Idaho Legislature, said claims being dated and named in amounts as follows, to-wit:

Lewiston State Normal School.

For the payment of special sidewalk assessments \$ 2,500.00

State Board of Land Commissioners.

1914-1915-1916,	Pend d'Oreille Timber Protective Association	\$ 7,024.82
	Coeur d'Alene Timber Protective Association	4,178.86
	Potlatch Timber Protective Association	3,289.64
	Clearwater Timber Protective Association	15,275.29
Dec. 1916,	Syms York Co.	11.50
Sept. 12, 1916,	Intermountain Map Co.	9.20
Dec. 30, 1916,	Statesman Printing Co.	152.00
Dec., 1916,	The Western Union Telegraph Co.	2.25
Nov. and Dec., 1916,	The Mountain States Telephone and Telegraph Co.	4.30
Dec. 26, 1916,	E. E. Streitz	24.00
1915,	Boise-Payette Lumber Co. (timber fire protection)	845.06

District Courts.

April 27, 1914,	Edwin N. Day	60.00
Feb. 2, 1915,	C. C. Dietrich	102.60
May and June, 1916,	Grace G. Morey	169.40
July 25, 1916,	Teton County	60.00

Supreme Court.

Dr. H. G. Morris	14.00
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Office of State Treasurer.

Dec. 17, 1914,	Nampa Leader Herald	287.00
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Office of Inspector of Mines.

Dec., 1916,	R. N. Bell, advance for printing 2,000 copies of annual report.	100.00
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Capitol Building.

1914,	Boise Mercantile Co., Ltd. ...	8.80
1914,	Brigger-Hetherington Co.	117.45
1915,	Intermountain Electric Co.	14.42

North and South Idaho Railroad Commission.

Aug. 30, 1915,	A. F. Parker	124.00
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Presidential Electors.

Jan. 9, 1917,	John E. Pincock, per diem and mileage, (Voucher No. 1516)	108.50
Jan. 9, 1917,	Harry L. Day, per diem and mileage, (Voucher No. 1517)	175.70
Jan. 9, 1917,	David L. Evans, per diem and mileage, (Voucher No. 1515)	134.00
Jan. 9, 1917,	Frank Martin, per diem and mileage, (Voucher No. 1518)	5.30

Legislative Expense.

Pinney Theater, in connection with Heyburn memorial ser- vice, Twelfth Session	36.05
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Miscellaneous.

1916,	Idaho Mining Association	192.95
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1916,	Public Utilities Commission, to reimburse members for expenses incurred on trip to Minneapolis at a hearing of the Interstate Commerce Commission	100.00
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SEC. 2. The State Auditor is hereby authorized and required and it is hereby made his duty, upon presentation of proper vouchers, required by law, to draw his warrants in favor of the person or persons named in Section 1 for the amount set opposite said name.

SEC. 3. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 73.

(H. B. No. 381.)

AN ACT

APPROPRIATING THE SUM OF \$96,670.00 OUT OF THE GENERAL FUND OF THE STATE OF IDAHO TO THE GEM IRRIGATION DISTRICT IN OWYHEE COUNTY, IDAHO, TO BE USED BY SAID GEM IRRIGATION DISTRICT IN THE PURCHASE OF STATE LANDS WITHIN SAID GEM IRRIGATION DISTRICT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated out of the general fund of the State not otherwise appropriated the sum of \$96,670.00, or so much thereof as may be necessary, to the Gem Irrigation District, which fund shall be expended by the Gem Irrigation District in the purchase of State lands lying within the Gem Irrigation District in Owyhee County, Idaho.

SEC. 2. The State Board of Land Commissioners shall immediately offer for sale all the state lands within the Gem Irrigation District, and the said state lands shall be sold at public auction, as provided by law.

SEC. 3. In case the Gem Irrigation District is the purchaser of any state lands within its boundaries the Board of Directors of the Gem Irrigation District shall present its claim

to the State Board of Land Commissioners for the amount of the purchase price of such state lands, as provided by law, and it shall accompany said claim with a statement of the description of the lands purchased and the amount for which the same is purchased. The State Board of Land Commissioners shall thereupon examine said claim and it shall be the duty of the board to approve the same for the amount which the Gem Irrigation District agreed to pay for the lands so purchased, and the State Board of Land Commissioners shall certify the same to the State Auditor and the State Auditor shall draw his warrant on said general fund, payable to the State Board of Land Commissioners, for such sum or sums as may be approved by the State Board of Land Commissioners and allowed by the State Board of Examiners, which warrant shall be endorsed before payment by the authorized officer of the State Board of Land Commissioners and the Gem Irrigation District. And the State Treasurer is hereby authorized and directed to pay said warrant out of any moneys in said general fund, and it shall be the duty of the State Board of Land Commissioners to pay and distribute the amount of said warrant to the fund or funds entitled to the proceeds of the sale of said lands, and the district shall receive a deed for the lands purchased. Such deed shall be signed by the Governor and countersigned by the registrar and attested by the seal of the State Board of Land Commissioners, and said deed shall operate to convey to the Gem Irrigation District a good and sufficient title in fee simple.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 74.

(H. B. No. 386.)

AN ACT

LEVYING AN AD VALOREM TAX FOR EACH OF THE FISCAL YEARS 1917 AND 1918 TO PROVIDE REVENUE TO PAY THE GENERAL CURRENT EXPENDITURES OF THE STATE OF IDAHO DURING THE PERIOD BEGINNING ON THE FIRST MONDAY IN JANUARY, 1917, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1919, AND OTHER GENERAL EX-

PENDITURES OF THE STATE, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby levied an annual ad valorem tax of not to exceed One Million Dollars (\$1,000,000.00) for each of the fiscal years 1917 and 1918 upon all property in the State of Idaho not legally exempt from taxation for the purpose of providing revenues to pay the necessary general expenditures of the State during the period beginning on the first Monday in January, 1917, and ending on the first Monday in January, 1919, and other general expenditures of the State.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 75.

(H. B. No. 387.)

AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF SALARIES AND TRAVELING EXPENSES OF THREE ADDITIONAL DISTRICT JUDGES AND DISTRICT COURT REPORTERS, TRAVELING EXPENSES OF DELEGATES TO VARIOUS CONVENTIONS AND GOVERNOR'S REPRESENTATIVE TO NORTH YAKIMA APPLE SHOW AND FOR VARIOUS OTHER PURPOSES FOR THE PERIOD COMMENCING ON THE FIRST MONDAY IN JANUARY, 1917, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1919, EXCEPT AS HEREIN OTHERWISE PROVIDED, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sums hereinafter specifically set out, or as much thereof as may be necessary for the purposes named and for no other, for the period commencing on the first Monday in January, 1917, and ending on the first Monday in January, 1919, except as herein otherwise indicated.

The sums herein appropriated shall be paid out by the

State Treasurer upon warrants drawn by the State Auditor against the general fund of the State.

District Courts

Salaries of three district judges	\$24,000.00
Salaries of regular court reporters..	15,000.00
Traveling expenses of district judges, to be paid in the manner and pro- portion as per Section 3836 of the Revised Codes of Idaho	1,800.00
Traveling expenses of court reporters	1,600.00
Total	\$42,400.00
Traveling expenses of Governor's representative to North Yakima Apple Show	60.00
Printing constitutional amendments	7,500.00
For examinations, inspections or treatments of live- stock at the Northwest Livestock Show, in- cluding any and all duly authenticated items and charges whatsoever, contracted, per- formed or rendered	2,500.00
For the payment of predatory animal bounty claims for the year 1916	15,000.00

State Land Board

For reimbursement of Loughran loan	138.96
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Adjutant General's Department
(1916 claims)

The Pullman Company, Chicago, Ill., claims on Pullman requests	\$ 23.00
Capt. Jeter, Coeur d'Alene, for expenses Wm. P. Guptill	4.93
Underwood Typewriter Co., 68 Sixth St., Portland, Ore., typewriter	83.03
Capt. D. F. Banks, Caldwell, armory rent for Company G	250.00
Robert F. Taylor, Nampa, armory rent, Company B	185.40
C. J. Elmer, Boise, reviewing stand	17.00
Coeur d'Alene Bank Trust Co., Coeur d' Alene, storage on lockers, Company C	30.00

Charles Bennett, reimbursement for ticket from border of State	8.70
The Pullman Company claims for Pullman requests	23.20
Dean Perkins, storage of lockers, Company H	75.00
Standard Furniture Co., folding chairs..	10.50
Capt. Jeter, expenses Ralph H. Bockmier	12.70
Oregon Short Line, Salt Lake City, Utah, transportation	202.00
Pacific & Idaho Northern Ry., New Meadows, transportation	3.00
Depot Quartermaster, Chicago, Ill., transportation	34.95
Northern Pacific Ry. Co., Minneapolis, Minn., transportation	7.90
Pullman Co., Pullman transportation requests	2.50
Depot Quartermaster, Chicago, Ill., excess cost on Pullman requests...	170.20
Depot Quartermaster, Chicago, Ill., trans- portation requests for Pullman....	2.50
Depot Quartermaster, Chicago, Ill., trans- portation requests for Pullman	16.45
Western Union Telegraph Co., Boise, Idaho, telegrams during mobilization	191.40
Capt. L. V. Patch, Payette, Idaho, mess fund	32.45
E. L. Powell, Coeur d'Alene, transportation	14.35
Total	\$1,401.16

SEC. 2. The State Auditor is hereby authorized and required, upon presentation of proper vouchers required by law, to draw his warrants against the proper funds or appropriations for the payment of such vouchers or claims covered by the appropriations herein made.

SEC. 3. Whereas, an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 76.

(H. B. No. 389.)

AN ACT

CREATING A COMMISSION TO MAKE EXHIBIT AT THE GOLDEN SPIKE EXPOSITION AT OGDEN, UTAH, DURING THE YEAR 1919; MAKING APPROPRIATION THEREFOR; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby created a commission of three, consisting of the Governor and two others to be appointed by him, who are to receive no compensation for their services, but shall be allowed reimbursement for their necessary expenses, to represent the State of Idaho and provide for the making of an exhibit for this State at the Golden Spike Exposition commemorative of the fiftieth anniversary of the completion of the first transcontinental railroad, to be held at Ogden, Utah, during the year nineteen hundred and nineteen.

SEC. 2. The said commission shall have full power and authority to determine the kind and character of the exhibit to be made for and in behalf of this State and for that purpose the sum of Ten Thousand (\$10,000.00) Dollars is hereby appropriated out of any monies in the State Treasury not otherwise appropriated.

SEC. 3. Whereas, an emergency exists therefor, this Act shall be in force and take effect immediately upon its passage and approval.

Approved March 20, 1917.

CHAPTER 77.

(S. B. No. 124.)

AN ACT

CHANGING THE NORTHERN AND WESTERN BOUNDARY LINES OF INDEPENDENT SCHOOL DISTRICT OF BOISE CITY IN ADA COUNTY, IDAHO, BY EXCLUDING FROM SUCH DISTRICT CERTAIN LANDS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the northern and western boundary lines of Independent School District of Boise City in Ada County,

Idaho, be and the same hereby are changed by excluding from said district the following described lands, to-wit: The Northwest Quarter of the Northwest Quarter of Section 33, and all that portion of the North Half of Section 32 lying north of the Boise River, Township 4 North, Range 2 East of Boise Meridian, in Ada County, Idaho.

SEC. 2. An emergency existing therefor, this act shall take effect immediately after its passage and approval.

Approved March 20, 1917.

CHAPTER 78.

(S. B. No. 130.)

AN ACT

TO PROVIDE FOR THE REVISION, COMPILATION AND CODIFICATION OF THE LAWS OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Supreme Court of the State of Idaho is hereby authorized and empowered to appoint some person, learned in the law and a member of the bar of the Supreme Court of this State, who shall be known as a Code Commissioner, and who shall be authorized to revise, codify and compile the laws, civil, political and criminal, and the laws of civil procedure, and to revise, arrange, simplify and consolidate the statutes of Idaho which shall be in force at the time such commissioner shall make his final report; and to make such changes, alterations, modifications, additions and substitutions as the said commissioner may deem best to the end that a complete simplified code of laws based on the laws in force at the time the said commissioner shall make his final report, shall be presented, but with the errors, inconsistencies, repetitions and ambiguities therein eliminated. *Provided*, that the Supreme Court may, in its discretion, in lieu of the appointment of such Code Commissioner, arrange for the performance of the labor herein designated in the manner provided in Section 12 hereof.

SEC. 2. It shall be the duty of the commissioner to prepare the following codes: the Political Code, the Civil Code, the Code of Civil Procedure and the Penal Code.

The Political Code shall treat of the sovereignty of the peo-

ple of the State, of the political rights and duties, of the political divisions of the State, of the government of the counties, cities, towns, and of such other general laws as shall seem proper to the commissioner.

The Civil Code shall treat of property and property rights, persons and personal relations, corporations, contracts and obligations and other subjects properly related to the foregoing.

The Code of Civil Procedure shall treat of the procedure and practice in civil actions and proceedings in all the courts in the State, or in any subdivision thereof.

The Penal Code shall treat of crimes and misdemeanors and the punishment thereof, of criminal procedure and penitentiaries, prisons and jails.

The commissioner shall also make and prepare a report designating what statutes or parts of our statutes are omitted by him or repealed by the provisions of any other act reported by him and what, if any, new sections he has added to such codes, and any laws of a general nature which ought to be enacted in addition to the codes reported.

SEC. 3. The Political Code must contain in addition to the other matters required, the Magna Charta, the Declaration of Independence, the Constitution of the United States, with the amendments, the Organic Act of the Territory of Idaho, the act of Congress admitting Idaho as a State, the Constitution of the State of Idaho, the laws of the United States providing for the naturalization of citizens, the statutes of the United States relative to the authentication of records, and a copy of this act.

SEC. 4. After each section or subdivision of the matter to be comprised in the said Codes, there shall be a reference to the original text from which said section is compiled, and a reference to the corresponding section of the California code, if there shall be a similar or identical one. There shall be noted further, under each section, a complete reference to all decisions of the Supreme Court of Idaho and the decisions of the Federal Courts interpreting, construing or applying to said section.

SEC. 5. The number of volumes in which such codes shall finally be published shall be determined by the Supreme Court, and the Code Commissioner must make for such codes a com-

plete working index of the contents thereof, either separately for each code or, if the said codes are all published in one volume, then one general index for all the codes, in either case the said indexes to be alphabetically arranged and of sufficient particularity to refer to each section contained in the said codes and to the subject thereof, with cross references wherever they may be necessary, which index must be printed and bound in the volume containing the section referred to.

SEC. 6. Said Commissioner shall receive for his services the sum of four thousand (\$4,000.00) dollars, and shall be authorized to expend the sum of two thousand (\$2,000.00) Dollars, or so much thereof as may be necessary for legal assistance in connection with this work. The said Commissioner shall keep his office at Boise City, and shall devote his entire time to the work of preparing the code of laws provided for herein. The said Commissioner is empowered and authorized to employ such clerical assistance as may be necessary and to procure an office and proper supplies, at an expense of not to exceed two thousand five hundred (\$2,500.00) dollars.

SEC. 7. The salary of the said Commissioner shall be paid quarterly in six payments, commencing with the quarter ending in June, 1917; the claims of said commissioner to be presented to and allowed by the Board of Examiners, and the Auditor is authorized to draw his warrant upon the general fund for the amount of such salary due and for all other expenses provided for in this act. The compensation of all assistants and clerks to be paid when the same shall become due, upon being presented to and allowed by the Board of Examiners.

SEC. 8. The labors of the Commissioner shall be concluded on or before the first day of July, 1918, and at said time it shall be the duty of the Commissioner to file with the Secretary of State three copies of each of said codes, with the indexes and references herein provided for, and the same shall be submitted for action to the Legislature of the State of Idaho at its next general session or any special session called by the Governor at the request of the Supreme Court Judges.

SEC. 9. On or before the 1st day of July, 1918, the Commissioner shall file five copies of his final report with the Secretary of State, which said report shall contain at length all

changes, modifications, additions, substitutions or repeals of existing statutes, and such changes, modifications, additions, substitutions and repeals must refer specifically to the section, chapter or article of the printed code shown thereby, and the Secretary of State must cause such final report to be printed for the use of members of the Legislative assembly.

SEC. 10. Each of the codes and indexes must be so far completed as to be in a condition to print by the first day of July, 1918, and as soon thereafter as possible, the Secretary of State and Judges of the Supreme Court must have eight hundred (800) copies of each of said codes printed in the same type and body type as is used in the printing of the Revised Statutes of Idaho, and bound with paper covers, the Code Commissioner being required to read and correct the proof sheets of said volume or volumes to be delivered to the Secretary of State, corrected, printed and bound on or before the 1st day of October, 1918, said printing and binding to be paid for out of the moneys appropriated by this act.

SEC. 11. Upon receipt of the printed codes, the Secretary of State must deliver one printed copy of each volume of said codes, together with a copy of the report of the changes and substitutions, to each member of the Legislative assembly, together with the indexes therefor, which printed volume, when so delivered, must have the effect of bills printed for the use of members of the Legislative assembly, and also deliver, by mail or express, one copy of each volume to each judge of any court of record in the State of Idaho, one copy of each volume to each State officer, county attorney, member of the board of county commissioners, and seven copies of each volume to the clerks of the district courts of Idaho, which copies of said reports, for distribution to and examination by the members of the bar of such courts, and to the Code Commissioner, ten copies of each volume.

SEC. 12. The Supreme Court may, in its discretion, in lieu of the appointment of such Code Commissioner, contract with some reputable and reliable law book publishing house or concern for the revision, codification and compilation of the laws of the State. Said contract shall bind such publishing house or concern to the performance of the same labor and duties, and to the making of such reports, as are herein required to be performed and made by such Code Commissioner, and shall

require such labor to be completed and such report to be made not later than the 1st day of July, 1918. Said contract may further provide for the printing and binding of eight hundred copies of said codes in the manner specified in Section 10 hereof, the cost of said printing and binding to be included in the sum total of such contract. In the event such contract is made the Supreme Court shall enter into the same with such law book publishing house or concern in the name of the State of Idaho. The report of such law book publishing house or concern, and such printed codes shall have the same force and effect and shall be used for the same purpose as provided in Section 8, 9, 10 and 11 hereof. *Provided*, that such contract shall not be let for a greater amount of money than is herein appropriated, and

Provided, further, that not more than one-fourth of the contract price shall be paid before the completion of the work and the making of the report herein required to be made by such law book publishing house or concern. The compensation of said house or concern under the terms of said contract shall be certified to the Board of Examiners by the Supreme Court, and the Auditor is authorized to draw his warrant upon the general fund for the amount of such compensation.

SEC. 13. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fourteen thousand (\$14,000.00) dollars, or so much thereof as may be necessary, for carrying out the provisions of this act.

SEC. 14. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 79.

(S. B. No. 139.)

AN ACT

PROVIDING A FORM OF GOVERNMENT TO BE KNOWN AS THE "CITY MANAGER PLAN" FOR CITIES OF THE STATE OF IDAHO NOW OR HEREAFTER HAVING A POPULATION OF TWO THOUSAND FIVE HUNDRED INHABITANTS, OR OVER; PROVIDING THAT ANY SUCH CITIES MAY BE-

COME ORGANIZED UNDER THE PROVISIONS OF THIS ACT THRU THE ADOPTION THEREOF BY SPECIAL ELECTION AND PROVIDING THE PROCEDURE THEREFOR; PROVIDING A METHOD WHEREBY ANY CITY ADOPTING THE PROVISIONS OF THIS ACT MAY DISCONTINUE THE SAME AFTER A CERTAIN TIME; PROVIDING THAT NOTHING IN THIS ACT SHALL BE CONSTRUED AS LIMITING THE POWERS HERETOFORE CONFERRED UPON SUCH CITIES UNLESS SUCH POWERS ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That any city within the State of Idaho, organized under the general laws of the State, or under special charter, or under a general incorporation act, now or hereafter having as shown by the last preceding state or national census, a population of twenty-five hundred persons or over that number, may adopt the city manager plan of Government as herein set forth by proceedings as hereinafter provided.

SEC. 2. *General description.* The form of government provided in this article, to be known as the "city manager plan," shall consist of a board of commissioners of five or more citizens, according to the population of the municipality as determined by the last preceding census. Upon petition of electors equal in number to twenty-five per centum of the vote cast for all candidates for Mayor at the last preceding general city election of any such city, the Mayor shall, by proclamation, issued within ten days after the filing of such petitions with the city clerk of such city, submit the question of adopting the city manager plan of city government as herein provided, at a special election to be held at a time specified in such proclamation which shall not be less than sixty days or more than ninety days after such petition is filed.

SEC. 3. At such election the proposition to be submitted to the electors shall be, "Shall the city of..... adopt the city manager plan of municipal government, as set forth in Chapter, Idaho Session Laws, 1917. An election thereupon shall be conducted the vote canvassed and the results declared in the same manner as provided by law in respect to other city elections.

SEC. 4. If the majority of the votes cast at such election

shall be in favor of such plan, such city shall thereupon proceed to the election of a Board of Commissioners of five or more citizens, according to the population of such city, and one of whom shall be elected by the other members of said Board as the Chairman thereof. Said Commissioners shall be nominated and elected in the first instance, one from each Councilmanic ward or such other existing districts of said city as may have been established for the election of the members of the city council or other governing body. After the first election said Commissioners shall be nominated and elected either at large or from such districts as shall be established by ordinance.

SEC. 5. *Size and term of board-vacancies.* The number of Commissioners shall be in proportion to the population of the municipality, as determined by the last preceding federal census, as follows: A municipality having not more than fifteen thousand inhabitants, five; more than fifteen thousand and not more, than fifty thousand inhabitants, seven; more than fifty thousand inhabitants, nine. All commissioners shall serve for a term of four years and until their successors are elected and have qualified, except that at the first election in municipalities having five commissioners the candidates having the three highest number of votes shall serve for four years, the other two commissioners shall serve for two years, and in municipalities having more than five commissioners the majority of commissioners having the highest number of votes shall serve for a period of four years and the others for a period of two years. Vacancies in the board shall be filled by the board for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner provided for in such cases.

SEC. 6. *Meetings of board.* The board shall meet at the usual place for holding such meetings, at ten o'clock a. m. on the first day of January after its election, at which time the newly elected commissioners shall assume the duties of their office. Thereafter the board shall meet in regular session at least twice each month at such times and places as shall be fixed by ordinance. The clerk shall call special sessions of the board upon written request of the chairman or of any two members. Any such requests shall state the subjects to be con-

sidered at such special meeting and no other subject shall be there considered.

SEC. 7. *Signing of ordinances.* Every ordinance or resolution passed by the board shall be signed by the chairman or two members, filed with the clerk within two days and by him recorded.

SEC. 8. *Powers of the Board.* Said Board shall constitute the governing body of such city with power to pass ordinances, adopt regulations, appoint a chief administrative officer, to be known as the city manager, approve all appointments made by the city manager, except as otherwise provided in this act, fix all salaries, appoint a civil service commission and all boards or commissioners, created by ordinance and to remove for cause and after hearing, by a majority vote of all members any officer or employee of the municipality unless otherwise provided by such civil service regulations as may be adopted. The powers conferred upon municipalities by the constitution of Idaho, and any additional powers which have been or may be conferred upon municipalities by the legislature, or by the provisions of this act, shall be exercised by the board unless the exercise of such powers shall have been expressly conferred upon some other authority of the municipality or reserved to the people thereof.

SEC. 9. *City manager.* The board shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of such board and who shall hold office at the pleasure of the majority of the members thereof. Before entering upon the duties of his office, such city manager shall take the official oath for the support of the government and the faithful performance of his duties and shall execute a bond in favor of the municipality in such sum as may be fixed by the board.

SEC. 10. *Duties of City Manager.* The duties of the city manager shall be: (a) To have general supervision over the business of the municipality. (b) To see that the laws and ordinances are faithfully executed; (c) to attend all meetings of the board at which his attendance may be required by that body; (d) to recommend for adoption to the board such measures as he may deem necessary or expedient; (e) to make such appointments of employees of the municipality as are not otherwise provided for, subject to the provisions of this

act and to such civil service regulations as may be adopted; (f) to prepare and submit to the board such reports as may be required by that body, or as he may deem advisable to submit; (g) to keep the board fully advised of the financial condition of the municipality and its future needs; (h) to prepare and submit to the board a tentative budget for the next fiscal year; (I) and to perform such other duties as the board may determine by ordinance or resolution.

SEC. 11. The executive and administrative powers, authority and duties of cities coming under the provisions of this act shall be divided into five departments as follows: Public Affairs; Accounts and Finances, Public Safety, Streets and Public Improvement, Parks and Public property. The board shall have authority to create such other departments, offices and employments as may be found necessary.

SEC. 12. The proposal to adopt said city manager plan as provided in this act shall not be submitted less than ninety days before a regular municipal election. If said plan is not adopted at the special election so called and held, the question of adopting the same shall not be resubmitted to the voters of said city within two years thereafter.

SEC. 13. Any city which shall have operated for more than six (6) years, under the provisions of this Act, may abandon such organization hereunder, and accept the provisions of the general laws of the State then applicable to cities of its population, or if now organized under special charter, may resume said special charter as follows: Upon petition of not less than twenty-five per centum of the electors of such city, a special election shall be called at which the following proposition only shall be submitted: Shall the city of abandon its organization under the city manager plan as provided in Chapter , Idaho Session Laws, 1917, and become a city under the general law governing cities of its population, or if now organized under special charter, shall it resume said special charter?

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the State for cities of like population, or prescribed by special charter if such city had been incorporated under special charter at the time of adopting the provisions of

this Act; and upon qualification of such officers, such city shall again become organized under such general law of the State, or special charter, as the case may be; but such change shall not in any manner or degree affect the property, rights, or liabilities of such city, but shall merely extend to such change in its form of government. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided by the provisions of this Act, in so far as the provisions thereof are applicable.

SEC. 14. Petitions provided for in this Act shall be signed by none but the legal voters of the city. Each petition shall contain, in addition to the names of the petitioner's residence, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

SEC. 15. Whereas, an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 80.

(S. B. No. 204.)

AN ACT

PROVIDING FOR THE COLLECTION FROM APPLICANTS FOR LOANS, RENEWALS, EXTENSIONS OR INCREASES OF LOANS FROM THE PERMANENT EDUCATIONAL FUNDS OF THE STATE OF IDAHO, OF ALL ACTUAL AND NECESSARY EXPENSES IN CONNECTION WITH SUCH APPLICATIONS, AND PROHIBITING ANY OTHER FEE, ADVANCE, DEPOSIT, OR CHARGE IN CONNECTION THEREWITH; DEFINING THE DUTY OF THE ATTORNEY GENERAL OF THE STATE OF IDAHO WITH REFERENCE TO THE TITLE OF LANDS OFFERED AS SECURITY FOR LOANS FROM THE AFORESAID FUND OR EXTENSIONS, RENEWALS, OR INCREASE OF SUCH LOANS, AND ALL LEGAL INSTRUMENTS IN CONNECTION THEREWITH; MAKING AN APPROPRIATION; PROVIDING FOR THE PUNISHMENT OF ALL PERSONS VIOLATING ANY OF THE TERMS OF THIS ACT; REPEALING ALL ACTS AND PARTS OF ACTS IN

CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The State Board of Land Commissioners shall not require or ask or receive any fee, advance, deposit, or charge of any kind or character, nor shall any such advance, deposit, or charge be paid as a condition of, or for the purpose of obtaining, or aiding in obtaining, any loan or increase, renewal, or extension of any loan, from the permanent educational funds of the State of Idaho; *Provided, however*, that the State Board of Land Commissioners shall require each applicant for any loan or any renewal, increase, or extension of any loan, from said permanent educational funds, to deposit at the time of applying for the same with said Board such sum of money as the said Board deems adequate to pay the actual and necessary expenses of viewing and appraising the land offered as security, of securing or completing abstract of title to said land, the cost of recording the mortgage thereon and such other actual and necessary expenses as the Board may be required to pay in making or rejecting such loan, or the increase, renewal or extension of any such loan; *Provided, further*, that it shall be the duty of the Attorney General of the State of Idaho to examine and approve or reject title to all lands offered as security for said loans or for extension, renewal or increase of such loans, and to prepare the necessary conveyances and legal instruments in connection therewith, and no fee, charge, advance, or deposit shall be required therefor, or made by any applicant, for such services.

SEC. 2. All sums of money received as deposits by said Board of Land Commissioners, under the terms of this act, shall be deposited by said Board with the Treasurer of the State of Idaho, not later than the close of the next business day following its receipt by said Board, and the same shall be placed and kept in a special fund to be known as the "Loan Expense Fund."

SEC. 3. All actual and necessary expenses incurred in connection with any application for a loan from said permanent educational funds, or the renewal, increase, or extension of such loan, for which it is lawful under the terms of this Act to require a deposit with the application for the loan shall be paid from the said "Loan Extension Fund", upon claims aud-

ited and paid as are other claims against the State of Idaho, and when all actual and necessary expenses incurred in connection with any application for such loan, or for an extension, renewal or increase of such loans shall have been paid, the balance, if any, of the deposit made by the applicant over and above the sum total of said expenses shall be repaid said applicant from the said "Loan Expense Fund" upon a claim audited and paid as are other claims against the State of Idaho, and such repayment shall be made whether the loan, or extension, renewal or increase of loan be or be not made.

SEC. 4. All moneys paid into the said "Loan Expense Fund" are hereby appropriated and set aside to be expended for the uses and purposes authorized by this Act.

SEC. 5. Any person violating any of the provisions of this Act, shall upon conviction be punished by a fine not exceeding one thousand dollars or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 6. All acts or parts of acts in conflict herewith are hereby repealed.

SEC. 7. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 20, 1917.

CHAPTER 81.

(S. B. No. 221.)

AN ACT

TO BE CITED AS THE "WORKMEN'S COMPENSATION ACT," PROVIDING FOR COMPENSATION TO EMPLOYEES FOR PERSONAL INJURIES SUSTAINED IN THE COURSE OF PUBLIC AND INDUSTRIAL EMPLOYMENT AND TO THEIR DEPENDENTS IN CASE OF DEATH FROM SUCH INJURIES: PRESCRIBING THE EMPLOYMENTS COVERED BY THIS ACT: MAKING THE PROVISIONS HEREOF APPLICABLE TO EMPLOYEES OF THE STATE, AND ALL COUNTIES, CITIES, CITIES UNDER SPECIAL CHARTER AND COMMISSION FORM OF GOVERNMENT, VILLAGES, SCHOOL DISTRICTS, IRRIGATION DISTRICTS, DRAINAGE DISTRICTS, HIGHWAY DISTRICTS, ROAD DISTRICTS AND OTHER PUBLIC AND MUNICIPAL CORPORATIONS, PROVIDING THE PROCEDURE IN OBTAINING COMPENSATION HEREUNDER: THE AMOUNT OF SUCH COMPENSATION; THE MANNER OF COMPUTING THE SAME;

THE PERSONS TO WHOM PAYABLE; THE TIME AND MANNER OF THE PAYMENT THEREOF AND THE MANNER OF SECURING THE PAYMENT THEREOF; PROVIDING SPECIFIC ENDEMNITIES FOR CERTAIN INJURIES; DECLARING THE POLICE POWER OF THE STATE IN THE PREMISES: MAKING SPECIAL PROVISIONS REGARDING MEDICAL ATTENDANCE, HOSPITAL CONTRACTS AND SUBSTITUTED SYSTEMS OF COMPENSATION, PAYMENTS TO ALIENS AND PAYMENTS TO THE STATE IN THE EVENT OF THE DEATH OF AN INJURED EMPLOYEE LEAVING NO DEPENDENTS; CREATING AN INDUSTRIAL ACCIDENT BOARD OF THREE MEMBERS; PROVIDING FOR THEIR APPOINTMENT; PRESCRIBING THEIR DUTIES AND POWERS; FIXING AND MAKING PROVISION FOR THE PAYMENT OF THEIR SALARIES AND EXPENSES; PROVIDING THE METHOD OF FIXING COMPENSATION BY AGREEMENT OF THE PARTIES AND BY ARBITRATION; PRESCRIBING THE PROCEDURE BEFORE ARBITRATORS AND BEFORE THE BOARD IN MATTERS ARISING UNDER THIS ACT; PROVIDING FOR THE ENFORCEMENT OF AWARDS AND FOR APPEALS FROM DECISIONS OF THE BOARD ON QUESTIONS OF LAW; PRESCRIBING THE DUTIES, RIGHTS AND OBLIGATIONS OF EMPLOYERS, EMPLOYEES AND SURETIES HEREUNDER; REGULATING THE CONTRACTS SECURING COMPENSATION HEREUNDER; CREATING A STATE INSURANCE FUND TO BE ADMINISTERED BY THE STATE BUT WITHOUT LIABILITY ON THE PART OF THE STATE BEYOND THE AMOUNT OF SUCH FUND, FOR THE PURPOSE OF INSURING EMPLOYERS AGAINST LIABILITY FOR COMPENSATION UNDER THE WORKMEN'S COMPENSATION ACT; PROVIDING FOR THE COLLECTION, ADMINISTRATION, DISBURSEMENT AND INVESTMENT OF SUCH FUND; PROVIDING FOR THE APPOINTMENT OF A STATE INSURANCE MANAGER; PRESCRIBING HIS COMPENSATION, POWERS AND DUTIES; PROVIDING FOR THE EMPLOYMENT BY HIM OF ASSISTANTS; PRESCRIBING THE DUTIES OF THE STATE TREASURER, STATE AUDITOR, AND BOARD OF EXAMINERS WITH RESPECT TO SUCH FUND; PROVIDING FOR THE ISSUANCE OF INSURANCE POLICIES AND THE COLLECTION OF PREMIUMS THEREFOR, AND MAKING GENERAL PROVISIONS FOR THE ADMINISTRATION BY THE STATE INSURANCE MANAGER OF A PUBLIC MUTUAL INSURANCE CARRIER; PRESCRIBING PENALTIES FOR EMPLOYERS IN DEFAULT FOR THE PAYMENT OF PREMIUMS, FOR FALSIFICATION OF PAY-ROLLS AND WILFUL MISREPRESENTATION; ALSO PRESCRIBING A PENALTY FOR THE DISCLOSURE BY THE STATE INSURANCE MANAGER AND HIS ASSISTANTS OF INFORMATION NOT OPEN TO PUBLIC INSPECTION; PROVIDING FOR THE

PAYMENT OF COMPENSATION UNDER THE POLICIES OF INSURANCE ISSUED BY THE STATE INSURANCE MANAGER; EMPOWERING PUBLIC CORPORATIONS TO INSURE IN THE STATE INSURANCE FUND; PROVIDING FOR THE PAYMENT OF THE EXPENSES OF ADMINISTERING THE STATE INSURANCE DEPARTMENT BY THE STATE AND PROVIDING FOR THE REFUNDING THEREOF FROM THE STATE INSURANCE FUND; PRESCRIBING THE DUTIES OF THE STATE INSURANCE COMMISSIONER AND THE BOARD OF EXAMINERS UNDER THIS ACT; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF; PRESCRIBING THE TIME OF THE TAKING EFFECT OF THIS ACT; CREATING AN INDUSTRIAL ACCIDENT FUND, AND MAKING AN APPROPRIATION FOR CARRYING OUT THE PROVISIONS HEREOF.

Be It Enacted by the Legislature of the State of Idaho:

PART I.

SCOPE OF ACT.

Employments Covered.

SECTION 1. (a) This Act shall apply to all public employment, as defined in Section 2 and to all private employment in a trade or occupation which is carried on by the employer for the sake of pecuniary gain, not expressly excepted by the provisions of Section 3.

Declaration of Police Power.

(b). The Common Law System governing the remedy of workmen against employers for injuries received in industrial and public work is inconsistent with modern industrial conditions. The administration of the common law system in such cases has produced the result that little of the cost to the employer has reached the injured workman, and that little at large expense to the public. The remedy of the workman has been uncertain, slow and inadequate. Injuries in such employments formerly occasional, have become frequent and inevitable. The welfare of the State depends upon its industries, and even more upon the welfare of its wage workers. The State of Idaho, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for injured workmen and their families and dependents, is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation,

except as is otherwise provided in this Act, and to that end all civil actions, and civil causes of action for such personal injuries, and all jurisdiction of the courts of the State over such causes are hereby abolished, except as is in this Act provided.

Public Employment.

SEC. 2. This Act shall apply to employees of the State and of all counties, cities, cities under special charter or commission form of government, villages, school districts, irrigation districts, drainage districts, highway districts, road districts and other public and municipal corporations within the State; but not to public officials who are elected by popular vote or who receive salaries exceeding Twenty-four Hundred Dollars a year. Policemen and firemen and others entitled to pensions shall be deemed employees within the meaning of this Act. If, however, any policeman or fireman or other person entitled to a pension claims compensation under this Act there shall be deducted from such compensation any sum which such policeman or fireman or other person may be entitled to receive from any pension or other benefit fund to which the state or municipal body may contribute.

Employments not Covered.

SEC. 3. None of the provisions of this Act shall apply to:

- (a) Agricultural pursuits;
- (b) Household domestic service;
- (c) Casual employment;
- (d) Employment by charitable organizations; or
- (e) Employment of outworkers, or of
- (f) Members of the employers family dwelling in his house:

Unless the employer and employee expressly agree in writing filed with the Board that the provisions of the Act shall apply. Any such agreement may be terminated by either party upon sixty days' notice to the other and to the Board in writing prior to any accident.

PART II.
RIGHTS AND REMEDIES GRANTED AND
AFFECTED.

Right to Compensation for Injury.

SEC. 4. If a workman receives personal injury by accident arising out of and in the course of any employment covered by this Act his employer or the surety shall pay compensation in the amounts and to the person or persons hereinafter specified.

Injuries Not Covered.

SEC. 5. No compensation shall be allowed for an injury caused (1) by the employee's wilful intention to injure himself or to injure another, or (2) by his intoxication. If the employer claims an exemption or forfeiture under this Section the burden of proof shall be upon him.

Right to Compensation Exclusive.

SEC. 6. The rights and remedies herein granted to an employee on account of a personal injury for which he is entitled to compensation under this Act shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury.

Employers, who hire workmen within this State to work outside of the State, may agree with such workmen that the remedies under this Act shall be exclusive as regards injuries received outside this State by accident arising out of and in the course of such employment; and all contracts of hiring in this State shall be presumed to include such an agreement.

Liability of Third Persons.

SEC. 7. When an injury for which compensation is payable under this Act shall have been sustained under circumstances creating in some other person than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim compensation under this Act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this Act any employer having paid the compensation or having become liable therefor shall be subrogated

to the rights of the injured employee to recover against that person, *provided*, if the employer shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this Act, then any such excess shall be paid to the injured employee less the employer's expenses and costs of action.

Contracting Out Forbidden.

SEC. 8. No contract, rule, regulation, or devise whatsoever shall operate to relieve the employer in whole or in part from any liability created by this Act, other than as provided in Sections 9 and 17.

Substitute Systems of Compensation.

SEC. 9. With the approval of the Board, an employer who is subject to the provisions of this Act, may enter into an agreement with his employees to provide a system of compensation or benefits in lieu of the compensation provided by this Act, subject, however, to the following restrictions:

(a) The benefits to injured employees shall be at least equivalent to those herein provided.

(b) If contributions are required from employees the additional benefits shall be commensurate with such contributions.

(c) If acceptance of such substitute system is made a condition of employment, equitable provision shall be made for the withdrawal of employees from it and the distribution of its assets. An employer who is authorized to substitute a plan under the provisions of this Section shall give his employees notice thereof in the form prescribed by the Board and a statement of the plan approved shall be filed with the Board. Copies of settlements made under the provisions of this Section shall be filed with the Board.

PART III.
COMPENSATION.

Death Benefits.

SEC. 10. If death results from the injury within two years, the employer or the surety shall pay to the person entitled to compensation or, if there are none, then to the personal representative of the deceased employee, burial expenses not to

exceed One Hundred Dollars; and shall also pay to or for the following persons for the following periods, a weekly compensation equal to the following percentages of the deceased employe's average weekly wages as defined in Section 24:

(a) To the dependent widow or widower, if there be no dependent children, forty-five per centum.

(b) To the dependent widow or widower, if there be a dependent child or children, fifty-five per centum for such widow or widower and children. Such compensation to the widow or widower shall be for the use and benefit of such widow or widower and of the dependent children, and the Board may from time to time apportion such compensation between them in such way as it deems best. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian.

(c) If there be no dependent widow or widower, but a dependent child or children, twenty-five per centum for one child and ten per centum for each additional child, not to exceed a total of fifty-five per centum, to be divided equally among such children if more than one.

(d) To the parents, if one be wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one be or both are partly dependent, a proportionate amount in the discretion of the Board.

The above percentages shall be paid if there be no dependent widow, widower, or child. If there be a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of fifty-five per centum.

(e) To the brothers, sister, grandparents, and grandchildren, if one be wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one be wholly dependent, thirty per centum, divided among such dependents share and share alike; if there be no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there be no dependent widow, widower, child or parent. If there be a dependent widow, widower, child, or parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of fifty-five per centum.

(f) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the Board may, in its discretion, modify the apportionment to meet the requirements of the case.

(g) In case there are no dependents of the deceased employee, the employer shall pay into the State Treasury to be deposited in the Industrial Administration Fund the sum of One Thousand Dollars.

Dependents.

SEC. 11. The following persons, and they only, shall be deemed dependents and entitled to compensation under the provisions of this Act:

A child if under 18 years of age, or incapable of self-support and unmarried, whether actually dependent upon the deceased or not.

The widow only if living with the deceased, or actually dependent wholly or partially, upon him.

The widower only if incapable of self-support and actually dependent, wholly or partially, upon the deceased at the time of her injury.

A parent or grandparent only if actually dependent, wholly or partially, upon the deceased.

A grandchild, brother, or sister only if under 18 years of age, or incapable of self-support, and wholly dependent upon the deceased.

The relation of dependency must exist at the time of the injury.

Periods of Compensation.

SEC. 12. The compensation herein provided for shall be payable during the following periods:

To a widow, until death or remarriage, but in no case to exceed 400 weeks.

To a widower, during disability or until remarriage, but in no case to exceed 400 weeks.

To or for a child, until 18 years of age, but in the case of a child incapable of self-support and unmarried as long as so incapable, but in no case to exceed 400 weeks beyond said age of 18 years.

To a parent or grandparent, during the continuation of a condition of actual dependency, but in no case to exceed 400 weeks.

To or for a grandchild, brother, or sister, during dependency as hereinbefore defined, but in no case to exceed 400 weeks.

Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period, during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

Non-Resident Alien Dependents.

SEC. 13. Except as otherwise provided by treaty, whenever under the provisions of this Act, compensation is payable to a dependent who is an alien not residing in the United States, the employer shall pay fifty per centum of the compensation herein otherwise provided to such dependent and the remaining fifty per centum into the State Treasury to be deposited in the Industrial Administration Fund. But if a non-resident alien dependent is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or non-resident, from partaking of the benefit of such law in as favorable a degree as herein extended to non-resident aliens, then all of the compensation which would otherwise be payable to such dependent shall be paid into the Industrial Administration Fund.

Certain Words Defined.

SEC. 14. As used in the foregoing sections the term "child" includes step-children, adopted children, post-humous children, and acknowledged illegitimate children, but does not include married children unless dependent. The terms "brother" and "sister" include step-brothers, and step-sisters, half-brothers

and half-sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. The term "grandchild" includes children of adopted children and children of step-children; but does not include step-children of children, step-children of step-children, step-children of adopted children, nor married grand-children, unless dependent. The term "parent" includes step-parents and parents by adoption. The term "grand-parent" includes parents of parents by adoption, but does not include parents of step-parents, step-parents of parents, nor step-parents of step-parents. The words "adopted" and "adoption" as used in this Act shall include cases where persons are treated as adopted as well as those of legal adoption.

Sundry Provisions as to Death Benefits.

SEC. 15. In computing death benefits the total weekly compensation shall be subject to a maximum of Twelve Dollars per week and a minimum of Six Dollars per week, but if at the time of the injury the employee received wages of less than Six Dollars per week, then the compensation shall not exceed the full amount of such wages.

Payment of death benefits by an employer in good faith to a dependent subsequent in right to another or other dependents shall protect and discharge the employer unless and until such dependent or dependents prior in right shall have given him notice of his or their claim. In case the employer is in doubt as to the respective rights of rival claimants he may apply to the Board to decide between them.

In case death occurs after a period of disability, either total or partial, the period of disability shall be deducted from the total periods of compensation respectively stated in Section 12.

The compensation of a person who is insane shall be paid to his or her guardian.

Medical Attendance.

SEC. 16. The employer shall provide for an injured employee such reasonable medical, surgical or other attendance or treatment, nurse and hospital service, medicines, crutches and apparatus, as may be required or be requested by the employee immediately after an injury, and for a reasonable time thereafter. If the employer fails to provide the same, the in-

jured employee may do so at the expense of the employer. All fees and other charges for such treatment and services and compensation therefor shall be subject to regulation by the Board. The pecuniary liability of the employer for the treatment and other service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person. In determining what fees and charges are reasonable, the Board shall consider the increased security of payment afforded by this Act.

Hospital Contracts.

SEC. 17. Nothing in this Act shall be construed as preventing employers and workmen from waiving the provisions of Section 16 of this Act and entering into mutual contracts or agreements providing for hospital benefits and accommodations to be furnished to the employee.

Such hospital contracts or agreements must provide for medical, hospital and surgical attendance for such employee for sickness contracted during the employment (except venereal diseases and sickness as a result of intoxication), as well as for injuries received arising out of and in the course of the employment.

No assessment of employee for such hospital contracts or benefits shall exceed One Dollar per month for each employee, except in cases where it shall appear to the satisfaction of the Board, after a hearing had for that purpose, that the actual cost of such service exceeds the said sum of One Dollar per month, and any such finding of the Board may be modified at any time when justified by a change of conditions, or otherwise, either upon the Board's own motion, or the application of any party in interest.

No profit, directly or indirectly, shall be made by any employer as a result of such hospital contract or assessment. It is the purpose and intent of this Act to provide that each and every hospital maintained wholly or in part by payments from workmen, which furnishes treatment and services to employees for sickness and injury, as provided in this Act shall be under the supervision of the Board as to services and treatment rendered such employees, and shall, from time to time make

reports of such services, attendances, treatments, receipts and disbursements as the Board may require.

Total Disability.

SEC. 18. Where the injury causes total disability for work the employer during such disability, but not including the first seven days thereof, shall pay the injured employee a weekly compensation equal to fifty-five per centum of his average weekly wages, but not more than Twelve Dollars nor less than Six Dollars a week for a period not exceeding 400 weeks, and thereafter a weekly compensation of Six Dollars a week. In no case shall the weekly payments continue after the disability ends.

In case of an employee whose average monthly wages are less than Six Dollars a week the weekly compensation shall be the full amount of such average weekly wages, but where the disability is permanent the weekly compensation in such cases shall be Six Dollars.

In case the total disability begins after a period of partial disability, the period of partial disability shall be deducted from such total period of 400 weeks.

Certain Injuries Deemed Total Disabilities.

SEC. 19. In the case of the following injuries in the absence of conclusive proof to the contrary the disability caused thereby shall be deemed total and permanent; to-wit:

- (a) The total and permanent loss of sight in both eyes.
- (b) The loss of both feet at or above the ankle.
- (c) The loss of both hands at or above the wrist.
- (d) The loss of one hand and one foot.
- (e) An injury to the spine resulting in permanent and complete paralysis of both legs or arms or of one leg and one arm.
- (f) An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration is not to be taken as exclusive.

Partial Disability.

SEC. 20. Where the injury causes partial disability for work, the employer, during such disability and for a period not exceeding 150 weeks beginning on the eighth day of dis-

ability, shall pay the injured workman a weekly compensation equal to fifty-five per centum of the difference between his average weekly wages before the accident and the weekly wages he is most probably able to earn thereafter, taking into account the nature of the physical injury or disfigurement, the occupation of the injured employee and his age at the time of the injury, not exceeding, however, the difference between the wages which the injured employee is most probably able to earn after the injury and the maximum compensation allowed in cases of total disability: *Provided, however,* That such a sum shall be paid as compensation in each case, which, when added to the wages which the injured employee is able to earn after the injury, will equal the minimum compensation allowed in cases of total disability. In no case shall the weekly payments continue after the disability ends, and in case the partial disability begins after a period of total disability the period of total disability shall be deducted from such total period of 150 weeks.

Specific Indemnities for Certain Injuries.

SEC. 21. In the case of the following injuries the compensation shall be fifty-five per centum of the average weekly wages, but not more than Twelve Dollars, to be paid weekly for the periods stated against such injuries respectively, to-wit:

For the Loss of:	For the Following Number of Weeks:
One arm at or near the shoulder	200
One arm at the elbow	180
One arm between the wrist and elbow	160
One hand	150
One thumb and the metacarpal bone thereof	60
One thumb at the proximal joint	30
One thumb at the second distal joint	20
One first finger and the metacarpal bone thereof.....	30
One first finger at the proximal joint	20
One first finger at the second joint	15
One first finger at the distal joint	10
One second finger and the metacarpal bone thereof..	30
One second finger at the proximal joint	15
One second finger at the second joint	10
One second finger at the distal joint	5

One third finger and the metacarpal bone thereof	20
One third finger at the proximal joint	12
One third finger at the second joint	8
One third finger at the distal joint	4
One fourth finger and the metacarpal bone thereof	12
One fourth finger at the proximal joint	9
One fourth finger at the second joint	6
One fourth finger at the distal joint	3
One leg at or so near the hip joint as to preclude use of an artificial limb	180
One leg at or above the knee where stump remains suffi- cient to permit the use of an artificial limb	150
One leg between the knee and ankle	140
One foot at the ankle	125
One great toe with the metatarsal bone thereof	30
One great toe at the proximal joint	15
One great toe at the second joint	10
One toe other than great toe with the metatarsal bone	12
One toe other than great toe at proximal joint	6
One toe other than great toe at second or distal joint	3
One eye by enucleation	120
Total blindness of one eye	100

In all other cases in this class, compensation shall bear such relation to the amount stated in the above schedule as the disabilities bear to those produced by the injuries named in the schedule.

Hernia.

SEC. 22. In all cases of hernia resulting from injury alleged to have been sustained in the course of and resulting from employee's employment, it must be proven:

(1) That it was an injury resulting in hernia; (2) That the hernia appeared suddenly and immediately following the injury; (3) That the hernia did not exist in any degree prior to the injury for which compensation is claimed.

Penalty for Malingering.

SEC. 23. If a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation.

Computation of Wages.

SEC. 24. Average weekly wages shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman during the twelve months preceding his injury: *Provided*, That where by reason of the shortness of the time during which the workman has been in the employment, or the casual nature of the employment, it is impracticable to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade employed at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with large, regular wages, only such larger wages shall be taken into consideration in computing his average weekly wages.

Voluntary Payments.

SEC. 25. Any payments made by the employer or his insurer to the injured workman during the period of disability, or to his dependents, which, by the terms of this Act, were not due and payable when made, may, subject to the approval of the Board be deducted from the amount to be paid as compensation; *Provided* that in case of disability such deduction shall be made by shortening the period during which compensation must be paid, and not by reducing the amount of the weekly payments.

Periodical Payments.

SEC. 26. The Board, upon the application of either party, may in its discretion, having regard to the welfare of the employee and the convenience of the employer, authorize compensation to be paid monthly or quarterly instead of weekly.

Computation of Payments.

SEC. 27. Whenever the Board determines that it is for the best interest of all parties, the liability of the employer for compensation may, on application to the Board by any party interested, be discharged in whole or in part by the pay-

ment of one or more lump sums to be determined by or with the approval of the Board.

Any such lump sum payment shall not exceed the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in the case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 100 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. The Board shall not commute any payments to a widow or widower except at her or his request.

Trustee in Case of Lump Sum Payment.

SEC. 28. Whenever for any reason the Board deems it expedient, any lump sum which is to be paid as provided in Section 27 shall be paid by the employer to some suitable person or corporation appointed by the Probate Court as Trustee to administer or apply the same for the benefit of the person or persons entitled thereto in the manner provided by the Board. The receipt of such Trustee for the amount so paid shall discharge the employer or anyone else who is liable therefor.

PART IV.

PRELIMINARY PROCEDURE IN OBTAINING
COMPENSATION.

Medical Examination.

SEC. 29. After an injury and during the period of disability, the workman, if so requested by his employer, or ordered by the Board shall submit himself to examination, at reasonable times and places, to a duly qualified physician or surgeon designated and paid by the employer. The workman shall have the right to have a physician or surgeon designated and paid by himself present at such examination, which right, however, shall not be construed to deny to the employer's physician the right to visit the injured workman at all reasonable times and under all reasonable conditions during total disability. If a

workman refuses to submit himself to or in any way obstructs such examination, his right to take or prosecute any proceeding under this Act shall be suspended until such refusal or obstruction ceases, and no compensation shall be payable for the period during which such refusal or obstruction continues. If an injured workman persists in insanitary, injurious or unreasonable practices which tend to imperil or retard his recovery, the Board may, in its discretion, order the compensation of such workman to be suspended or reduced.

Notice of Injury and Claim for Compensation.

SEC. 30. No proceedings under this Act for compensation for any injury shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to such injury shall have been made within one year after the date of the injury; or, in the case of death, then within one year after such death, whether or not a claim had been made by the employee himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one on his behalf. If payments of compensation have been made voluntarily the making of a claim within said period shall not be required.

Form of Notice and Claim.

SEC. 31. Such notice and such claim shall be in writing, and such notice shall contain the name and address of the employee, and shall state in ordinary language the time, place, nature, and cause of the injury, and shall be signed by him or by a person on his behalf, or, in the event of his death, by any one or more of his dependents, or by a person on their behalf. The notice may include the claim.

Giving of Notice and Making of Claim.

SEC. 32. Any notice under this Act shall be given to the employer, or, if the employer be a partnership, then to any one of the partners. If the employer be a corporation, then the notice may be given to any agent of the corporation upon whom process may be served, or to any officer of the corporation, or any agent in charge of the business at the place where the injury occurred. Such notice shall be given by delivering

it or by sending it by mail by registered letter addressed to the employer at his or its last known residence or place of business. The foregoing provisions shall apply to the making of a claim.

Sufficiency of Notice.

SEC. 33. A notice given under the provisions of Section 30 of this Act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place, nature, or cause of the injury, or otherwise, unless it is shown that the employer was in fact misled to his injury thereby. Want of notice or delay in giving notice shall not be a bar to proceedings under this Act if it be shown that the employer, his agent or representative, had knowledge of the accident, or that the employer has not been prejudiced by such delay or want of notice.

Limitation of Time As Regards Minors and Insane.

SEC. 34. No limitation of time provided in this Act shall run as against any person who is mentally incompetent or a minor dependent so long as he has no committee, guardian, or next friend.

PART V.

INDUSTRIAL ACCIDENT BOARD

Creation of Board

SEC. 35. A Board is hereby created to be known as the Industrial Accident Board, consisting of three members, to be appointed by the Governor, with the approval of the Senate. The term of office of each member of said Board shall be six years, excepting that of the members of said Board first appointed, one shall be appointed to hold office until the second Monday of January, 1919, one until the second Monday of January, 1921, and one until the second Monday of January, 1923. Not more than one of the appointees to such Board shall be a person who, on account of his previous vocations, employment or affiliations can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment or affiliations can be classed as a representative of workmen; not more than two of the Members of the Board shall belong to the same political party. Any vacancy during a term may be filled by appointment by

the Governor with the approval of the Senate. If any appointment is made during the recess of the Legislature it shall be subject to confirmation by the Senate during its next ensuing session. After due notice and public hearing the Governor may remove any commissioner for cause and the good of the public service.

No person shall be eligible to appointment as a member of the Board unless he shall be at least thirty (30) years of age, a qualified elector of the State of Idaho and a resident of Idaho not less than three years consecutively next preceding his appointment, of good moral character and of a previous experience and training to qualify him to efficiently and justly discharge the duties of his office.

No person accepting appointment as a member of the Board and qualifying as such shall be eligible to election or appointment to any public office during any calendar year which shall include any part of the term of membership on the Board for which he may have been appointed and qualified and in which such election shall be held or appointment made. Resignation from membership on the Board shall not relieve such member from any of the provisions of this Act, and the acceptance of appointment and qualification as a member of the Board shall constitute a valid waiver of any and all statutory or constitutional rights to or eligibility for holding any other public office during such time.

General Provisions Relating to Board

SEC. 36. The salary of each member of the Board shall be Three Thousand Dollars per year.

SEC. 37. A majority of the Board shall constitute a quorum for the transaction of business. The members of the Board shall select one of their number as chairman. A vacancy on the Board shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the Board. The act of a majority of the Board, when in session as a Board, shall be deemed to be the act of the Board, but any investigation, inquiry or hearing which the Board has power to undertake or to hold may be undertaken or held by or before any member thereof or any examiner or referee appointed by the Board for that purpose. Every finding, order, decision or award made by any commissioner,

examiner, or referee pursuant to such investigation, inquiry or hearing, when approved and confirmed by the Board and ordered filed in its office shall be deemed to be the finding, order, decision or award of the Board.

SEC. 38. The Board shall have a seal bearing the following inscription: "Industrial Accident Board, State of Idaho, Seal." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the Board shall direct. All courts shall take judicial notice of said seal.

SEC. 39. The Board shall keep its principal office in the capital of the State and shall be provided with suitable rooms, necessary office furniture, stationery and other supplies. For the purpose of holding sessions in other places the Board shall have power to rent temporary quarters.

SEC. 40. The Board shall employ such assistance and other employees as it may deem necessary to carry out the provisions of this Act.

SEC. 41. All officers and employees of the Board shall receive such compensation for their services as may be fixed by the Board, shall hold office at the pleasure of the Board, and shall perform such duties as are imposed on them by law or by the Board.

SEC. 42. The salaries of every person holding office or employment under the Board, as fixed by law or by the Board, shall be paid monthly after being approved by the Board upon claims therefor to be audited and approved by the State Board of Examiners.

SEC. 43. All expenses incurred by the Board pursuant to the provisions of this Act, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employees incurred while on business of the Board, either within or without the State, shall, unless otherwise provided in this Act, be paid from the Industrial Administration Fund after being approved by the Board upon claims therefor to be audited and approved by the State Board of Examiners.

SEC. 44. The Board shall cause to be printed such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act. It shall provide a book in which shall be entered the minutes of all its proceedings, a book of record in which shall be recorded all awards made by

the Board and such other books or records as it shall deem requisite for the purpose and efficient administration of this Act. All such records are to be kept in the office of the Board.

SEC. 45. The Board shall have the power and authority to publish and distribute at its discretion from time to time, in addition to its annual report, such further reports and bulletins covering its operations, proceedings and matters relative to its work as it may deem advisable.

SEC. 46. The Board shall have power and authority to charge and collect the following fees:

(1) For copies of papers and records not required to be certified or otherwise authenticated by the Board, fifteen cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken at any hearing, twenty cents for each folio.

(2) To fix and collect reasonable charges for publications issued under its authority.

(3) The fees charged and collected under this Section shall be paid monthly into the Treasury of the State to the credit of the Industrial Administration Fund and shall be accompanied by a detailed statement thereof.

SEC. 47. The Attorney General shall be the legal advisor of the Board and shall represent it in all proceedings whenever so requested by the Board or any member thereof.

PART VI.

PROCEDURE BEFORE THE BOARD.

Procedure, Witnesses.

SEC. 48. Process and procedure under this Act shall be as summary and simple as reasonably may be and as far as possible in accordance with the rules of equity. The Board or any member thereof shall have the power to subpoena witnesses, administer oaths, and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute. The District Court shall have power to enforce by proper proceedings the attendance and testimony of witnesses, and the production and examination of books, papers and records. Upon request of any party, a steno-

graphic report of the testimony at any hearing shall be taken at the cost of such party.

Witnesses subpoenaed by the Board or a member thereof shall be allowed such fees and traveling expenses as are allowed in civil actions, to be paid by the party in whose interest such witnesses are subpoenaed.

Agreements.

SEC. 49. If the employer and the injured employe reach an agreement in regard to compensation under this Act, a memorandum of the agreement shall be filed with the Board and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of Section 58 unless modified as provided in Section 56.

Such agreements shall be approved by the Board only when the terms conform to the provisions of this Act.

Committee of Arbitration.

SEC. 50. If the compensation is not settled by agreement, either party may make an application to the Board for the formation of a Committee of Arbitration. Such committee shall consist of three members, one of whom shall be a member of the Industrial Accident Board, or appointed by it, who shall act as Chairman. The other two members shall be named, respectively, by the parties. If a vacancy occurs it shall be filled in the same way as the original appointment.

Formation of Committee.

SEC. 51. Immediately after such application the Board shall designate one of its members, or a substitute, to act as Chairman of the Committee of Arbitration, and shall request the parties to appoint their respective representatives. If within seven days after such request, or after a vacancy has occurred, either party does not appoint his representative the Board shall fill the vacancy and notify the parties to that effect.

Hearings and Awards.

SEC. 52. The Committee on Arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee, unless otherwise agreed, shall be held in the city or town where the injury occurred if within

this State, and the award of the committee, together with a statement of its findings of fact, ruling of law, and any other matters pertinent to the questions arising before it, shall be filed with the Industrial Accident Board. A copy of the award shall be immediately sent to the Parties. Unless a claim for a review is filed by either party within thirty days the award shall be enforceable under the provisions of Section 56.

Examination by Physician.

SEC. 53. The Industrial Accident Board, or any member thereof, may appoint a duly qualified impartial physician to examine the injured employe and to report. The fee for this service shall be Ten Dollars and traveling expenses, but the Board may allow additional reasonable amounts in extraordinary cases.

Expenses of Arbitrators and Physicians.

SEC. 54. The fees and expenses of arbitrators under Section 52 and of physicians under Section 53 shall be paid by the State, as the other expenses of the Board are paid.

Review of Award.

SEC. 55. If an application for review is made to the Board, or if the committee fails to make an award within thirty days after its formation, the Board shall allow a full trial and shall make an award which shall be filed with the record of proceedings and shall state its conclusions of fact and rulings of law, and shall immediately send to the parties a copy of the award.

Modification of Awards and Agreements.

SEC. 56. On the application of any party on the ground of a change in conditions, the Board may at any time, but not oftener than once in six months, review any agreement or award, and on such review may make an award ending, diminishing, or increasing the compensation previously agreed upon or awarded, subject to the maximum and minimum provided in this Act, and shall state its conclusions of fact and rulings of law, and immediately send to the parties a copy of the award, but this Section shall not apply to a commutation of payments under Section 27.

Appeals From Board.

SEC. 57. An award of the Board in the absence of fraud, shall be final and conclusive between the parties except as provided in Section 56, unless within thirty days after a copy has been sent to the parties, either party appeals to the District Court. On such appeal the jurisdiction of said court shall be limited to a review of questions of law.

Enforcement of Award.

SEC. 58. Any party in interest may file in the District Court for the county in which the injury occurred, if such injury occurred within the State, otherwise in the District Court for the County where the employer and employee resides, a certified copy of a decision of the Board awarding compensation, from which no appeal has been taken within the time allowed therefor, or a certified copy of a memorandum of agreement approved by the Board, whereupon said court shall render a decree or judgment in accordance therewith and notify the parties thereof. Such decree or judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same, as though said decree or judgment had been rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom, and the same shall not constitute a lien upon the real property of the employer unless execution shall be levied thereon.

Costs.

SEC. 59. If the Committee of Arbitration, the Board or any Court before whom any proceedings are brought under this Act, determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, he or it may assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them.

General Powers of Board.

SEC. 60. All questions arising under this Act, if not settled by agreement of the parties interested therein, with the approval of the Board, shall, except as otherwise herein provided, be determined by the Board. The decisions of the Board shall be enforceable by the District Court under the provisions of Section 58. There shall be a right of appeal from

decisions of the Board to the District Court as provided in Section 57, but in no case shall such an appeal, either under this Section or under Section 57, operate as a supersedeas or stay unless the Board or the District Court shall so order.

Revision of Decree.

SEC. 61. The District Court, upon the filing with it of a certified copy of a decision of the Board, ending, diminishing, or increasing compensation previously awarded, shall revoke or modify its prior decree or judgment so it will conform to said decision.

Injuries Outside the State.

SEC. 62. If a workman who has been hired in this State receives personal injury by accident arising out of and in the course of such employment, he shall be entitled to compensation according to the law of this State even though such injury was received outside of this State.

If a workman who has been hired outside of this State is injured while engaged in his employer's business, and is entitled to compensation for such injury under the law of the State where he was hired, he shall be entitled to enforce against his employer his rights in this State if his rights are such that they can reasonably be determined and dealt with by the Board and the courts in this State.

PART VII.

PREFERENCES AND ASSIGNMENTS.

Preferences.

SEC. 63. All rights of compensation granted by this Act shall have the same preference or priority for the whole thereof against the assets of the employer as is allowed by law for any unpaid wages for labor.

Assignments; Attorneys' Fees.

SEC. 64. No claims for compensation under this Act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors. Claims of attorneys and of physicians for services under this Act shall be subject to the approval of the Board.

PART VIII.

SECURITY FOR COMPENSATION.

Security for Payment of Compensation.

SEC. 65. Employers, but not including the State or the municipal bodies mentioned in Section 2, shall secure compensation to their employes in one of the following ways:

(a) By insuring and keeping insured the payment of such compensation in the State Insurance fund, or

(b) By depositing and maintaining with the State Insurance Manager security satisfactory to the Board securing the payment by said employer of compensation according to the terms of this Act. Such security may consist of a surety bond or guaranty contract with any company authorized to do surety or guaranty business in Idaho and having a sufficient deposit with the State Treasurer upon which execution may lawfully be issued against said company on behalf of any workman secured under said bonds or contracts.

No company shall be permitted to write surety bonds or guarantee contracts covering the liability hereunder of employees of this State unless it shall have been authorized to do business under the laws of this State and until it shall have received the approval of the Board. The Board is hereby authorized to make and change such reasonable regulations as they may deem necessary with reference to the capital stock, surplus, and reserves of such companies, to the end that the workmen secured under this Act by any such company, shall be adequately protected. The approval by the Board of any such company, may be withdrawn if it shall appear to the Board that workmen secured therein under this Act are not fully protected.

The Board is also authorized to make and change such rules and regulations as they shall deem necessary to secure the prompt payment of compensation awards under this Act, and shall withdraw their approval of any company, whenever it appears that such company unnecessarily delays the payment of such awards.

Notice of Security.

SEC. 66. If the security so effected is not with the State

Insurance Fund, the employer shall forthwith file with the State Insurance Manager, in form prescribed by the Board, a notice of his security.

Posting of Notice Regarding Insurance.

SEC. 67. Every employer who has complied with Section 65 of this Act shall post and maintain in a conspicuous place or places in and about his place or places of business type-written or printed notices in form prescribed by the Board, stating the fact that he has complied with the law as to securing the payment of compensation to his employees and their dependents in accordance with the provisions of this Act.

Effect of Failure to Secure Compensation.

SEC. 68. If an employer subject to the provisions of this Act fails to comply with the provisions of Section 65 he shall be liable to a penalty for every day during which such failure continues, of One Dollar for every employee, to be recovered in an action brought by the State Insurance Manager in the name of the State or in his own name, and the amount so collected shall be paid into the State Insurance Fund.

The State Insurance Manager may, however, in his discretion, for good cause shown, remit any such penalty in whole or in part, provided, the employer in default secures compensation, as provided in Section 65.

Furthermore, if any employer shall be in default under Section 65 for a period of thirty days, he may be enjoined by the District Court from carrying on his business while such default continued.

The Insurance Contract.

SEC. 69. Every policy of insurance in the State Insurance Fund and every guarantee contract or surety bond covering the liability of the employer for compensation, shall cover the entire liability of the employer to his employees covered by the policy, bond, or contract, and also shall contain a provision setting forth the right of the employees to enforce in their own names either by at any time filing a separate claim or by at any time making the surety a party to the original claim, the liability of the surety in whole or in part for the payment of such compensation; *Provided, however, that pay-*

ment in whole or in part of such compensation by either the employer or the surety shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

Knowledge of Employer to Affect Surety.

SEC. 70. Every such policy and contract shall contain a provision that, as between the employee and the surety, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the surety; that the jurisdiction of the employer shall, for the purpose of this Act, be jurisdiction of the surety, and that the surety shall in all things be bound by and subject to the orders, findings, decisions, or awards rendered against the employer for the payment of compensation under the provisions of this Act.

Insolvency of Employer not to Release Surety.

SEC. 71. Every such policy and contract shall contain a provision to the effect that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the surety from the payment of compensation for injuries or death sustained by an employee during the life of such policy or contract.

Cancellation of Surety Contracts.

SEC. 72. No policy of insurance or guaranty contract or surety bond issued against liability arising under this Act shall be cancelled within the time limited in such contract for its expiration until at least ten days after notice of intention to cancel such contract on a date specified in such notice, shall have been filed in the office of the State Insurance Manager, and also served on the employer.

Public Corporations.

SEC. 73. Any sums necessary to be paid under the provisions of this Act by any public corporation for premiums or compensation shall be considered to be ordinary and necessary expenses of such corporation, and the governing body of such public corporation shall make appropriation of and pay such sums whenever necessary, notwithstanding that such governing body may have failed to anticipate such ordinary and

necessary expense in any budget, estimate of expenses, appropriation ordinance, or otherwise.

Employees not to Pay for Security.

SEC. 74. No agreement by an employee to pay any portion of the premiums paid by his employer to the State Insurance Fund or to contribute to a benefit fund or department maintained by such employer, except as authorized by Sections 9 and 17, or to the cost of other security maintained for or carried for the purpose of securing compensation as herein required shall be valid; and any employer who makes a deduction for such purpose from the wages or salary of any employee entitled to the benefits of this Act shall be guilty of a misdemeanor.

PART IX.

STATE INSURANCE FUND.

Creation of State Insurance Fund.

SEC. 75. There is hereby created a fund, to be known as "The State Insurance Fund," for the purpose of insuring employers against liability for compensation under this Workmen's Compensation Act and of assuring to the persons entitled thereto the compensation provided by said Act. Such fund shall consist of all premiums and penalties received and paid into the fund, of property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys belonging to the fund and deposited or invested as herein provided.

Such fund shall be administered by the State Insurance Manager without liability on the part of the State beyond the amount of such fund. Such fund shall be applicable to the payment of losses sustained on account of insurance and to the payment of compensation under the Workmen's Compensation Act and of expenses of administering this part, which part may be cited as the "State Insurance Act."

State Insurance Manager.

SEC. 76. The Governor, with the approval of the Senate, shall appoint a manager of the State Insurance Fund, who shall hold office for the term of five years unless sooner removed by the Governor for cause stated. Any vacancy in

said office may be filled at any time by appointment made by the Governor with the approval of the Senate. If such an appointment is made during a recess of the Legislature it shall be subject to confirmation by the Senate at its next ensuing session.

Powers and Duties of State Insurance Manager.

SEC. 77. It shall be the duty of such State Insurance Manager to conduct the business of the State Insurance Fund and he is hereby vested with full authority over the said fund, and may do any and all things which are necessary or convenient in the administration thereof, or in connection with the insurance business to be carried on by him under the provisions of this Act.

Further Statement of Powers.

SEC. 78. The State Insurance Manager shall have full power to determine the rates to be charged for insurance in said fund, and to conduct all business in relation thereto, all of which business shall be conducted in his official name of State Insurance Manager.

Power to Sue and Be Sued.

SEC. 79. The State Insurance Manager may in his official name sue and be sued in all the courts of the State, and before the Industrial Accident Board in all actions or proceedings arising out of anything done or offered in connection with the State Insurance Fund or business relating thereto.

Contracts.

SEC. 80. The State Insurance Manager may in his official name make contracts of insurance as herein provided and such other contracts relating to the State Insurance Fund as are authorized or permitted under the provisions of this Act.

Employment of Assistants.

SEC. 81. The State Insurance Manager may employ such assistants, experts, statisticians, actuaries, accountants, inspectors, clerks, and other employees as he may deem necessary to carry out the provisions of this Act or to perform the duties imposed upon him by this Act.

Personal Liability.

SEC. 82. The State Insurance Manager shall not, nor shall

any person employed by him, be personally liable in his private capacity for or on account of any act performed or contract entered into in an official capacity in good faith and without intent to defraud, in connection with the administration of the State Insurance Fund or affairs relating thereto.

Salaries, Expenses; and Payment of Same.

SEC. 83. The salary of the State Insurance Manager shall be Four Thousand Dollars per year. His salary, and the salaries or compensation of his several employees, and all expenses incurred by him shall be audited and paid in the first instance out of the State Treasury in the manner prescribed for similar expenditures in other departments or branches of the State service.

Delegation of Powers.

SEC. 84. The State Insurance Manager may act through proper deputies and may delegate to such deputies such powers as he deems necessary or convenient.

Among the powers which may be so delegated shall be the power to enter into contracts of insurance, insuring employers against liability for compensation under the Workmen's Compensation Act, and insuring to employees the compensation fixed by said Act; also the power to make agreements, subject to the approval of the Industrial Accident Board having jurisdiction, for the settlement of claims against said fund for compensation for injuries in accordance with the provisions of said Act; also the power to determine to whom and through whom payments of such compensation shall be made; and also the power to contract with physicians, surgeons, and hospitals for medical and surgical treatment and care and nursing of injured persons entitled to compensation from said fund.

Bond.

SEC. 85. Before entering on the duties of his office the State Insurance Manager shall give an official bond in the sum of Fifty Thousand Dollars and shall take and subscribe an official oath. Said bond shall be approved and filed as in the case of other official bonds required of State officials.

State Treasurer Custodian of Fund.

SEC. 86. The State Treasurer shall be the custodian of the

State Insurance fund; and all disbursements therefrom shall be paid by him upon warrants or vouchers authorized and signed by the State Insurance Manager, and also signed by the State Auditor. The State Treasurer shall give a separate and additional bond in an amount to be fixed by the Governor, and with sureties approved by him, conditioned for the faithful performance of his duty as custodian of the State Insurance Fund. The State Treasurer may deposit any portion of the said fund not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of other State funds by him. Interest earned by such portion of the State Insurance Fund deposited by the State Treasurer shall be collected by him and placed to the credit of the fund.

Surplus and Reserve.

SEC. 87. Ten per centum of the premiums collected from employers insured in the fund shall be set aside by the State Insurance Manager for the creation of a surplus, until such surplus shall amount to the sum of One Hundred Thousand Dollars, and thereafter five per centum of such premiums, until such time as in the judgment of the State Insurance Manager such surplus shall be sufficiently large to cover the catastrophe hazard and all other unanticipated losses. The State Insurance Manager shall also set up and maintain a reserve adequate to meet anticipated losses and carry all claims and policies to maturity. The amount of such surplus and reserve shall be subject to the approval of the State Insurance Commissioner.

Investment of Surplus or Reserve.

SEC. 88. The State Insurance Manager may invest any of the surplus or reserve funds belonging to the State Insurance Fund in the same securities and investments authorized for investments by savings banks. All such securities or evidences of indebtedness shall be placed in the hands of the State Treasurer, who shall be the custodian thereof. He shall collect the principal and interest thereof, when due, and pay the same into the State Insurance Fund. The State Treasurer shall pay all warrants or vouchers drawn on the State Insurance Fund for the making of such investments when signed by the State Insurance Manager and by the State Auditor. The

State Insurance Manager, with the consent of the State Auditor, may sell any of such securities, the proceeds thereof to be paid over to the State Treasurer for said State Insurance Fund.

Administration Expenses.

SEC. 89. The entire expense of administering the State Insurance Fund shall be paid in the first instance by the State, out of moneys appropriated therefor. In the month of July, Nineteen Hundred Eighteen, and semi-annually thereafter in such month, the State Insurance Manager shall ascertain the just amount of expense incurred by him during the preceding calendar year, in the administration of the State Insurance Fund, including expense incurred for the examination, determination, and payment of losses and claims, and shall refund such amount to the State Treasury.

Classification of Risks and Adjustment of Premiums.

SEC. 90. Employments insured in the State Insurance Fund shall be divided by the State Insurance Manager, for the purposes of the said fund, into classes. Separate accounts shall be kept of the amounts collected and expended in respect to each such class for convenience in determining equitable rates; but for the purpose of paying compensation the State Insurance fund shall be deemed one and indivisible. The State Insurance Manager shall have power to rearrange any of the classes by withdrawing any employment embraced in it and transferring it wholly or in part to any other class, and from such employments to set up new classes in his direction. The State Insurance Manager shall determine the hazards of the different classes and fix the rates of premiums therefor based upon the total payroll and number of employees in each of such classes of employment at the lowest possible rate consistent with the maintenance of a solvent State Insurance Fund and the creation of a reasonable surplus and reserve; and for such purpose may adopt a system of schedule rating in such a manner as to take account of the peculiar hazard of each individual risk.

Accounts.

SEC. 91. The State Insurance Manager shall keep an account of the money paid in premiums by each of the several classes of employments, and the expense of administering the

State Insurance fund and the disbursements on account of injuries and deaths of employees in each of said classes, including the setting up of reserves adequate to meet anticipated and unexpected losses and to carry the claims to maturity; and also an account of the money received from each individual employer; and of the amount disbursed from the State Insurance Fund for expenses, and on account of injuries and death of the employees of such employer, including the reserves so set up.

Dividends.

SEC. 92. At the end of every year, and at such other times as the State Insurance Manager in his discretion may determine, a readjustment of the rate shall be made for each of the several classes of employments or industries. If at any time there is an aggregate balance remaining to the credit of any class of employment or industry which the State Insurance Manager deems may be safely and properly divided, he may in his discretion credit to each individual member of such class who shall have been a subscriber to the State Insurance Fund for a period of six months or more, prior to the time of such readjustment, such proportion of such balance as he is properly entitled to, having regard to his prior paid premiums since the last readjustment of rates.

Assessments.

SEC. 93. If the premiums fixed for any class and collected from its members are subsequently found by the State Insurance Manager to have been too small for any period, he may determine what additional premiums are required from said class for said period, and may make assessments accordingly, and each of the members of such class shall be liable to the said Manager to pay such assessment so made upon him within thirty days after notice thereof.

Readjustment of Payrolls.

SEC. 94. If the amount of premium collected from any employer at the beginning of any period is ascertained by using the estimated expenditure of wages for the period of time covered by such premium payment as a basis, an adjustment of the amount of such premium shall be made at the end of such period and the actual amount of such premium shall be deter-

mined in accordance with the amount of the actual expenditure of wages for such period; and if such wage expenditure for such period is less than the amount on which such estimated premium was collected, such employer shall be entitled to receive a refund from the State Insurance Fund of the difference between the amount so paid by him and the amount so found to be actually due, or to have the amount of such difference credited on succeeding premium payments at his option; and if such actual premium, when so ascertained, exceeds in amount a premium so paid by such employer at the beginning of such period, such employer shall immediately, upon being advised of the true amount of such premium due, forthwith pay to the State Insurance Manager an amount equal to the difference between the amount actually found to be due and the amount paid by him at the beginning of such period.

Policies and Payment of Premiums.

SEC. 95. (1) Every employer insuring in the State Insurance Fund shall receive from the State Insurance Manager a contract or policy of insurance in a form to be approved by the State Insurance Commissioner.

(2) Except as otherwise provided in this Act, all premiums shall be paid by every employer who elects to insure with the State Insurance Fund to the State Insurance Manager on or before January First, Nineteen Hundred and Eighteen, and semiannually thereafter or at such other times as may be prescribed by the State Insurance Manager. Receipts shall be given for such payments and the money shall be paid over to the State Treasurer to the credit of the State Insurance Fund.

Actions for Collection in Case of Default; Penalty.

SEC. 96. If an employer shall default in any payment required to be made by him to the State Insurance Fund, the amount due from him shall be collected by civil action against him in the name of the State or of the State Insurance Manager, and it shall be the duty of the State Insurance Manager forthwith to bring or cause to be brought against each such employer a civil action in the proper court for the collection of such amount so due; and the same, when collected by the State Insurance Manager, shall be paid into the State Insurance Fund, and such employer's compliance with the provisions

of this Act requiring payments to be made to the State Insurance Fund shall date from the time of the payment of said money so collected to the State Insurance Manager.

An employer who is in default for ten days in payment of any premium shall also be liable to a penalty for every day during which such failure continues of One Dollar for every employee, to be recovered in an action brought by the State Insurance Manager in the name of the State, or in his own name and the amounts so collected shall be paid into the State Insurance Fund.

The State Insurance Manager may, however, in his discretion for good cause shown, remit any such penalty in whole or in part, provided the employer in default subsequently pays the premium.

Withdrawal From Fund.

SEC. 97. Any employer may, upon complying with subdivision (b) of section 65 of this Act, withdraw from the fund by turning in his insurance contract or policy for cancellation, provided he is not in arrears for premiums due to the fund and has given to the State Insurance Manager written notice of his intention to withdraw thirty days before the expiration of the period for which he has elected to insure in said fund; and also provided that in case any employer so withdraws, his liability to assessments shall continue after the date of such withdrawal as against all liabilities for such compensation accruing prior to such withdrawal.

Any employer so withdrawing may, however, terminate his entire liability by paying to the State Insurance Manager such sum as said Manager may deem sufficient to cover such liabilities.

Re-Insurance.

SEC. 98. The State Insurance Manager may reinsure any risk, or any part thereof, and may enter into agreements of re-insurance in the same way and to the same extent as other insurance carriers.

Audit of Pay Rolls.

SEC. 99. Every employer who is insured in the State Insurance Fund shall keep a true and accurate record of the number of his employees and the wages paid by him, and shall

furnish to the State Insurance Manager, upon demand, a sworn statement of the same. Such record shall be open to inspection at any time and as often as the State Insurance Manager shall require to verify the number of employees and the amount of pay roll.

Falsification of Pay Roll.

SEC. 100. An employer who shall wilfully misrepresent the amount of the pay roll upon which the premiums chargeable by the State Insurance Fund are to be based shall be liable to the State in ten times the amount of the difference between the premiums paid and the amount the employer should have paid had his payroll been correctly computed; and the liability to the State under this Section shall be enforced in a civil action by the State Insurance Manager in the name of the State, or in his own name, and any amount so collected shall become a part of the State Insurance Fund.

Wilful Misrepresentation.

SEC. 101. Any person who wilfully misrepresents any fact in order to obtain insurance in the State Insurance Fund at less than the proper rate for such insurance, or in order to obtain payment out of such fund, shall be guilty of a misdemeanor.

Inspections.

SEC. 102. The State Insurance Manager shall have the right to inspect the plants and establishments of employers insured in the State Insurance Fund; and the inspectors designated by the State Insurance Manager shall have free access to such premises during regular working hours, and at other reasonable times.

Disclosures Prohibited.

SEC. 103. Information acquired by the State Insurance Manager or his officers or employees from employers or employees pursuant to this Act shall not be open to public inspection, and any officer or employee of the State Insurance Manager who, without authority of the State Insurance Manager or pursuant to his rules, or as otherwise required by law, shall disclose the same shall be guilty of a misdemeanor.

Approval of Premium Rates.

SEC. 104. All premium rates fixed by the State Insurance

Manager for the State Insurance Fund shall be subject to the approval of the Insurance Commissioner in the same way and to the same extent as may be provided by law in the case of private insurance carriers.

Payment of Compensation.

SEC. 105. The State Insurance Manager shall submit each month to the State Board of Examiners an estimate of the amount necessary to meet the current disbursements for insurance losses and workmen's compensation from the State Insurance Fund, during each succeeding calendar month, and when such estimate shall be approved by the State Board of Examiners, the State Treasurer is authorized to pay the same out of the State Insurance Fund. At the end of each calendar month the State Insurance Manager shall account to the State Board of Examiners for all moneys so received, furnishing proper vouchers therefor.

Reports of State Insurance Manager.

SEC. 106. The State Insurance Manager shall file with the State Insurance Commissioner such reports as may be required of other insurance carriers; and shall also, whenever so requested by the State Insurance Commissioner, furnish him with such further information as he may need for the performance of the duties imposed upon him by this Act.

Insurance by Public Corporations.

SEC. 107. A public corporation may insure against its liability for compensation with the State Insurance Fund and not with any other insurance carrier, unless such fund shall refuse to accept the risk when the application for insurance is made.

PART X.

REPORTS, DEFINITIONS, AND GENERAL
PROVISIONS.

Reports of Accidents by Employers.

SEC. 108. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence

of an injury causing absence from work for one day or more, a report therefor shall be made in writing to the Board in the form prescribed by the Board.

Upon the termination of the disability of the injured employee, the employer shall make a supplemental report to the Board, in form prescribed by the Board. If the disability extends beyond a period of sixty days, the employer shall report to the Board at the end of such period that the injured employee is still disabled, and upon the termination of the disability shall file a final supplemental report as provided above.

The said reports shall contain the name and nature of the business of the employer, the situation of the establishment, the name, age, sex, wages and occupation of the injured employee, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and such other information as may be required by the Board.

Any employer who refuses or neglects to make the report required by this Section shall be punished by a fine of not more than Five Hundred Dollars for each offense.

Within sixty days after the termination of the disability of the injured employee, the employer or other party liable to pay the compensation provided for by this Act shall file with the Board a statement showing the total payments made or to be made for compensation and for medical services for such injured employee.

Interstate Commerce.

SEC. 109. This Act shall affect the liability of employers to employees engaged in interstate or foreign commerce, or otherwise, only so far as the same is permissible under the laws of the United States.

Definitions.

SEC. 110. In this Act, unless the context otherwise requires, words and phrases shall have the following meanings:

SEC. 110-a. "Employer" unless otherwise stated, includes any body of persons, corporate or unincorporated, public or private, and the legal representative of a deceased employer. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent

contractor, or for any other reason, is not the direct employer of the workmen there employed. If the employer is secured it includes his surety so far as applicable.

SEC. 110-b. "Workman" is used as synonymous with "employee" and means any person who has entered into the employment of, or works under contract of service or apprenticeship with, an employer. It does not include any person engaged in any of the excepted employments enumerated in Section 3, unless an agreement as provided in said Section is in force between employer and employee making the provisions hereof applicable, nor does it include a person whose remuneration exceeds twenty-four hundred dollars a year. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his committee or guardian or next friend.

A minor working at an age legally permitted under the laws of this State shall be deemed *sui juris* for the purpose of this Act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this Act, but in the event of a lump sum payment becoming due under this Act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors.

SEC. 110-c. An "outworker" is a person to whom articles or materials are given to be treated in any way on premises not under the control or management of the person who gave them out.

SEC. 110-d. "Injury" or "personal injury" includes death resulting from injury within two years.

SEC. 110-e. The words "personal injury by accident arising out of and in the course of such employment" shall include an injury caused by the wilful act of a third person directed against an employee because of his employment. They shall not include a disease except as it shall result from the injury.

SEC. 110-f. "Employment," in the case of private employers, includes employment only in a trade or occupation which is carried on by the employer for the sake of pecuniary gain. It shall also include any of the pursuits specified in Section 3

when the employer and the employe shall have elected to come under the Act as in said Section provided.

SEC. 110-g. The word "Board," whenever used in this Act, unless the context shows otherwise, shall be taken to mean the Industrial Accident Board.

SEC. 110-h. "Partial disability." Diminished ability to obtain employment owing to disfigurement resulting from an injury may be held to constitute partial disability.

SEC. 110-i. "Wages" shall include the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employe receives from the employer as a part of his remuneration. "Wages" shall not include any sums which the employer has paid to the employe to cover any special expenses entailed on him by the nature of his employment.

SEC. 110-j. "Surety" shall include the State Insurance Manager, representing the State Insurance Fund, and also any companies from any of which employers have obtained surety bonds or guaranty contracts in accordance with the provisions of this Act.

SEC. 110-k. Any terms shall include the singular and both sexes where the context so requires.

Unconstitutional Provisions.

SEC. 111. If any part or section of this Act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

Penalties for False Representations.

SEC. 112. If for the purpose of obtaining any benefit or payment under the provisions of this Act, either for himself or for any other person, any one wilfully makes a false statement or representation, he shall be guilty of a misdemeanor and he shall forfeit all right to compensation under this Act after conviction for such offense.

Prior Injuries.

SEC. 113. The provisions of this Act shall not apply to injuries sustained, or accidents which occur, prior to the taking effect hereof.

Rule of Construction.

SEC. 114. This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

Appropriation.

SEC. 115. For the purpose of carrying out Part IX of this Act there is hereby appropriated out of the funds in the State treasury not otherwise appropriated, the sum of Twenty Thousand Dollars or so much thereof as may be necessary to be placed in the State Insurance Fund and to be refunded as provided in Section 89 of this Act. There is also hereby appropriated out of the funds in the State Treasury not otherwise appropriated the sum of Fifteen Thousand Dollars, or so much thereof as may be necessary, to be placed in the Industrial Administration Fund.

Title of Act.

SEC. 116. This Act may be cited as the "Workmen's Compensation Act."

Time of Taking Effect.

SEC. 117. Part IX of this Act shall take effect on the First day of July, 1917; the remainder thereof shall take effect on the First day of January, 1918.

PART XI.

Safety Provisions.

SEC. 118. The Board shall have the power, in addition to other powers herein granted by general rules or regulations.

(a) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render employees and places of employment safe;

(b) To fix and order such reasonable standards for the construction, maintenance and repair of places of employment as shall render them safe;

(c) To require the performance of any act necessary for the protection of the life, health and safety of employees;

SEC. 119. Every employer, employee and other person shall obey and comply with each and every requirement of every order, direction, or regulation made or prescribed by the

Board, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, direction or regulation.

SEC. 120. Every employer, employee, or other person, who, either individually or acting as an officer, agent or employee of a corporation or other person, violates any safety provision contained in this division of this Act, or any part of such provision, or who shall fail or refuse to comply with any such provision, or any part thereof, or who, directly or indirectly knowingly induces another so to do is guilty of a misdemeanor.

Approved March 16, 1917.

CHAPTER 82.

(S. B. No. 6.)

AN ACT

TO AMEND SECTION 133 OF CHAPTER 58 OF THE SESSION LAWS OF 1913.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 133 of Chapter 58 of the Session Laws of 1913 be and the same is, hereby, amended to read as follows:

Sec. 133. The property described in any delinquency certificate may be redeemed from tax sale by the owner thereof, or any party in interest, on or after the fourth Monday of January after, and within two years from the date of such delinquency certificate, by paying the amount of all delinquent taxes and penalties, as shown in such certificate, together with the interest accrued thereon into the County Treasury, as prescribed in this Act; *Provided:* That no person shall be permitted to redeem any property from sale for delinquent taxes of any year as shown by any delinquency certificates outstanding against the said property on the day when the time allowed by law for the redemption of such property from sale for delinquent taxes of any prior year, expires; and, *Provided, further;* That no person shall be permitted to redeem any property from sale for delinquent taxes of any year unless the said property has been redeemed from all sales for delinquent taxes of prior years.

The owner of a part of the property covered by a delin-

quency certificate or any party in interest may at the time hereinbefore provided, redeem such part upon application to the County Auditor so to do, by paying into the County Treasury such portion of the amount due under such certificate and for delinquent taxes of prior years as the County Assessor shall certify, upon request of the County Auditor, as being the portion that such part of said property desired to be redeemed, should bear. Upon such partial redemption being made, the County Auditor shall upon delivery to him of the County Treasurer's duplicate receipt, endorse upon the certificates partially redeemed and which are still owned by the County and upon the duplicates thereof, the description of the property redeemed with the date of such redemption and the amount paid therefor. As to any certificates partially redeemed and which have been assigned by the County Auditor, such endorsement shall be made upon the duplicates by the County Auditor. Whenever, after any such partial redemption, the owner of the delinquency certificate redeemed shall present the same to the County Treasurer, the County Treasurer shall endorse thereon the description of the property redeemed therefrom, with the date of such redemption and the amount paid therefor, and then return such certificate to the owner thereof together with the amount paid on such partial redemption. The County Auditor shall issue to the County Treasurer an order upon the "Tax Redemption Fund" as in other cases of redemption and such order must be surrendered to the Treasurer for payment and returned by the Treasurer to the Auditor the same as upon full redemptions.

Approved March 15, 1917.

CHAPTER 83.

(S. B. No. 12.)

AN ACT

TO AUTHORIZE IRRIGATION DISTRICTS WHICH HAVE ENTERED INTO CONTRACT WITH THE UNITED STATES TO LEVY ASSESSMENTS FOR OPERATION AND MAINTENANCE AND FIX THE DATES OF ASSESSMENT AND DELINQUENCY OF CHARGES FOR OPERATION AND MAINTENANCE SO THAT SUCH CHARGES WILL BECOME DELINQUENT ON THE FIRST MONDAY IN MARCH, AND TO ASSESS AND APPORTION OPERATION AND MAINTENANCE

NANCE CHARGES AS PROVIDED IN SECTION FIVE OF THE ACT OF CONGRESS OF AUGUST 13, 1914, AND ALLOW THE DISCOUNTS AND COLLECT THE PENALTIES PROVIDED IN SECTION SIX OF SAID ACT, TO AUTHORIZE IRRIGATION DISTRICTS TO CONTRACT WITH THE UNITED STATES FOR RELEASE OF LIENS AGAINST DISTRICT LANDS, AND TO ASSUME INDEBTEDNESS TO THE UNITED STATES ON ACCOUNT OF DISTRICT LANDS, TO MAKE INVESTIGATIONS AND GIVE ASSURANCES TO THE SECRETARY OF THE INTERIOR UNDER THE PROVISIONS OF THE ACT OF CONGRESS OF AUGUST 11TH, 1916, ENTITLED "AN ACT TO PROMOTE RECLAMATION OF ARID LANDS," AND PROVIDING THAT IRRIGATION DISTRICT BONDS DEPOSITED WITH THE UNITED STATES PURSUANT TO CONTRACT MAY BEAR SUCH RATE OF INTEREST NOT EXCEEDING SIX PER CENT AND BE PAYABLE AT SUCH TIMES AS PROVIDED IN SUCH CONTRACT, AND PROVIDING THAT THE SECRETARY OF THE INTERIOR, OR HIS DULY AUTHORIZED REPRESENTATIVE, MAY BE CONSIDERED THE OWNER OF UNENTERED PUBLIC LANDS FOR THE PURPOSE OF SIGNING PETITIONS AFFECTING SUCH LANDS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the Board of Directors of any Irrigation District which shall have entered into a contract or contracts with the United States may, by passing a resolution to that effect, and the publication thereof for at least two weeks in a newspaper published in the county in which the greater portion of the lands of the District are located, provide for the levy and collection of assessments for operation and maintenance purposes as hereinafter provided and so fix the dates of such levy, assessment and delinquency that such separate operation and maintenance charge and the assessment therefor will become delinquent on the first Monday in March, and each year thereafter, unless such resolution be revoked by a later resolution duly passed and published in like manner, the Board of Directors of such district shall meet on the first Monday in December, and levy and apportion the operation and maintenance assessments as hereinafter provided, and the Secretary of the District must, on or before the first day of February, deliver the assessment book containing the record of such separate operation and maintenance assessment, to the Treasurer of the District, who shall within ten days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due

and payable and will become delinquent at six o'clock P. M. on the first Monday of the following March, and also the times and places at which the payment of assessments may be made, which notice shall be published for the period of two weeks. The Treasurer of the District must attend at the times and places specified in the notice to receive assessments, which must be paid in lawful money of the United States; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with a description of the property assessed, and on the last Monday of the said month of February all such unpaid operation and maintenance assessments are delinquent, and such operation and maintenance assessment shall be apportioned pursuant to the provisions of Section five of the Act of Congress of August 13, 1914, known as the Reclamation Extension Act, upon the basis of the number of acre-feet of water delivered during the preceding irrigation season but with a minimum charge upon each acre of irrigable land whether irrigated or not for delivery of not less than one acre-foot of water, and pursuant to the provisions of Section six of said Reclamation Extension Act, if said operation and maintenance charge or assessment is paid on or before the date when due there shall be a discount of five per centum of such charge, but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of one percentum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one percentum of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid and no water shall be delivered to the land of any landowner or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charge and penalties. In districts coming under this act, the penalties herein provided shall, in the matter of such district operation and maintenance assessments, be a substitute for and take the place of the penalties and interest provided in Section 2415 of the Revised Codes of the State of Idaho as amended by Chapter 181, page 587 of the Idaho Session Laws of 1911.

SEC. 2. That Irrigation Districts which embrace lands for which works have been constructed by the United States and

water right applications or contracts made and accepted under Public Notice issued by the Secretary of the Interior, may provide by contract with the United States for the release of mortgages or liens given or reserved to the United States upon district lands and for the assumption by the district as principal or guarantor of the indebtedness to the United States on account of district land and in that event shall apportion the benefits of such contract and release to the lands benefited thereby in the same manner provided by statute for the apportionment of the benefits of a bond issue or other contract, provided such contract with the United States be authorized by the electors of the district in like manner and by the same majority as required to authorize a bond issue or contract with the United States for construction of works.

SEC. 3. Irrigation District Bonds deposited with the United States pursuant to the provisions of Section 2386 of the Idaho Revised Codes, as amended by Section 4 of Chapter 143 (page 309) of the Idaho Session Laws of 1915, may call for the payment of principal without interest if so provided in the contract with the United States, or for the payment of such interest not exceeding six per cent per annum, may be of such denomination and may call for the repayment of the principal at such times as may be agreed upon between the district and the Secretary of the Interior.

SEC. 4. The Board of Directors of any Irrigation District organized under the laws of this state may make such investigations and based thereon, such representations and assurances to the Secretary of the Interior as may be requisite under the Act of Congress of August 11, 1916, entitled, "An Act to Promote Reclamation of Arid Lands."

SEC. 5. The Secretary of the Interior, or his duly authorized representative, may on behalf of the United States, sign a petition for the annexation of adjacent unentered public lands of the United States to the district, or to annex such lands to or exclude such unentered public lands from any irrigation district, the Secretary of the Interior, or his duly authorized representative shall be deemed to be the owner thereof for the purposes of signing any petition with like effect as the owner of private lands.

Approved March 12, 1917.

CHAPTER 84.

(S. B. No. 13.)

AN ACT

TO AMEND CHAPTER 159 OF THE LAWS OF 1911 BEING AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM OF IDAHO AND PARTICULARLY ARTICLE 17 THEREOF IN REGARD TO THE PROCEEDINGS FOR THE CORRECTION OF DELINQUENT CHILDREN BY AMENDING SECTION 163 RELATING TO THE APPOINTMENT AND DUTIES OF PROBATION OFFICERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 159 of the Laws of 1911 being an Act providing a code of Laws on Education for the Public School System of Idaho and, particularly, Article 17 thereof, relating to the proceedings for the correction of delinquent children, be amended by amending Section 163 to read as follows:

Section 163. The Probate Courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers having authority to act only upon the request and under the direction of the Probate Court, and to receive such compensation for services actually performed as the Probate Court shall deem just and proper. The number of paid probation officers appointed and designated by the court shall be as follows: In counties in which the last school census shows a school population of over five thousand (5,000) not to exceed two (2) probation officers; in all other counties not to exceed one (1) probation officer. *Provided, however,* That in Independent School Districts and School Districts having graded schools, of three (3) or more teachers, the Probate Court, upon request of the Board of trustees of said District, shall appoint a Probation Officer living within such District; said Probation Officer having authority to act upon the request and under the direction of the Probate Court or Board of Trustees of said Districts. Said Probation Officer to be paid by said School District such compensation for services actually performed as the Probate Court shall deem just and proper. In case a probation officer shall be appointed, it shall be the duty of the Judge of the Court, if practicable, to notify

said probation officer when any child is to be brought before the court; it shall be the duty of said probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require; and to take charge of any child before and after the trial as may be directed by the Court or Judge. Probation officers provided for by this chapter are hereby vested with all power and authority of sheriffs, constables and police officers to make arrests and perform other duties incident to their offices as probation officers.

Approved March 14, 1917.

CHAPTER 85.

(H. B. No. 16.)

AN ACT

TO AMEND SECTION 2117 OF THE REVISED CODES OF IDAHO AS AMENDED BY CHAPTER 160 OF THE 1911 IDAHO SESSION LAWS AND AS AMENDED BY CHAPTER 194 OF THE 1913 IDAHO SESSION LAWS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2117 of the Revised Codes of the State of Idaho as amended by Chapter 160 of the 1911 Idaho Session Laws and as amended by Chapter 194 of the 1913 Idaho Session Laws be and the same is hereby amended to read as follows:

Section 2117. For the purpose of fixing the annual salaries of the county commissioners of the several counties of the State of Idaho the counties are hereby divided into five (5) classes.

The following counties shall constitute the counties of the first class, to-wit: Bonner and Twin Falls.

The following counties shall constitute the counties of the second class, to-wit: Ada and Canyon.

The following counties shall constitute the counties of the third class, to-wit: Latah, Kootenai, Elmore, Clearwater, Owyhee, Bonneville, Benewah, Boise, Fremont, Idaho, Nez Perce and Shoshone.

The following counties shall constitute the counties of the fourth class, to-wit: Minidoka, Boundary, Custer, Lincoln,

Bannock, Bingham, Lemhi, Lewis, Washington and the proposed counties of Valley and Selway.

The following counties shall constitute the counties of the fifth class, to-wit: Adams, Blaine, Bear Lake, Butte, Camas, Cassia, Franklin, Gooding, Jefferson, Teton, Madison, Oneida, Power and Gem.

The annual salaries of the county commissioners of the counties of the aforesaid classes shall be as follows:

For counties of the first class, Fifteen Hundred Dollars (\$1500.00) and actual and necessary expenses;

For counties of the second class, Nine Hundred Dollars (\$900.00) and actual and necessary expenses;

For counties of the third class, Seven Hundred Dollars (\$700.00) and actual and necessary expenses;

For counties of the fourth class, Five Hundred Dollars (\$500.00) and actual and necessary expenses;

For counties of the fifth class, Three Hundred Dollars (\$300.00) and actual and necessary expenses.

All counties created by acts of the 1917 Session of the Legislature, except as herein provided, or by acts of any subsequent Legislature shall be classified according to the classifications named in the act creating the counties, and where in the act creating any county no provision is made for a classification of the county for the purpose of fixing the salaries of the county commissioners, then such counties shall be in class five (5), as provided in this Act.

The term "actual and necessary expenses" shall be deemed to include all traveling expenses and hotel expenses necessarily incurred by any county commissioner when absent from his residence in the performance of the duties of his office.

All county commissioners of counties of the first class shall devote their entire time to the performance of their office duties. In addition to the special days which now are or may hereafter be provided by law for meetings of the board of county commissioners the county commissioners shall, during one-half of each and every month, have designated office days on which days they shall be at their office at the county seat in session for all business which may be brought before them, which office days shall be designated by resolution, and a copy of such resolution shall be placed on file with the clerk of the board of county commissioners.

During the other half of each month the county commissioners of counties of the first class shall spend their time either at their office at the county seat during office hours or in the performance of their actual duties throughout the county: *Provided*, That in counties of the first class the county commissioners shall not be entitled to their hotel expenses incurred while at the county seat.

Approved March 14, 1917.

CHAPTER 86.

(H. B. No. 25.)

AN ACT

RELATING TO THE EQUIPPING OF MACHINERY USED FOR BORING OR DRILLING HOLES IN STOPES AND RAISES WITH WATER JETS OR SPRAYS OR OTHER MEANS TO PREVENT THE ESCAPE OF DUST, COMPELLING THE USE OF SAME AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any owner, operator or person in charge of any underground mine to cause to be drilled or bored by machinery a hole or holes in any stope or raise in ground that causes dust from drilling, unless said machinery is equipped with a water jet or spray or other means equally efficient to prevent the escape of dust.

SEC. 2. Where machinery used for drilling or boring holes in stopes or raises is equipped, as required by Section 1 of this Act, it shall be unlawful for any person or persons to drill or bore a hole in said stope or raise without using said appliance for the prevention of dust.

SEC. 3. Any person who violates either of the two preceding sections, or any owner, operator or person in charge of any underground mine who hires, contracts with or causes any person to violate the two preceding sections shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars, or by imprisonment in the county jail not more than six months or by both such fine and imprisonment.

SEC. 4. That the words "person," "operator," "owner"

and "person in charge," wherever used in this Act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the territories, the laws of any state or the laws of any foreign country.

Approved March 14, 1917.

CHAPTER 87.

(S. B. No. 27.)

AN ACT

TO AMEND SECTIONS 148, 163, 165, 180, 66, 189 AND 194 AND TO REPEAL SECTIONS 141, 142, 143, 144, 145, 147, 149, 150, 151, 152, 153, 154, 155 AND 156, RELATING TO ASSESSMENT AND TAXATION; TO MUNICIPAL COUPON BONDS; TO THE MANNER OF PAYING INSTALLMENTS ON SPECIAL ASSESSMENTS; TO WHARVES, DOCKS AND THE WATER FRONT; TO SALES OF PROPERTY FOR SPECIAL ASSESSMENTS, COMPROMISING OF SPECIAL ASSESSMENTS AND THE EXECUTION OF DEEDS FOR PROPERTY SOLD FOR SPECIAL ASSESSMENTS, UNDER THE CHARTER OF THE CITY OF LEWISTON, BEING HOUSE BILL NO. 121 OF THE SESSION LAWS OF 1907 OF THE STATE OF IDAHO, PAGE 349.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 148 of the Charter of the City of Lewiston, being House Bill No. 121 of the Session Laws of 1907 of the State of Idaho, (Session Laws of 1907, page 349), be and the same hereby is amended to read as follows:

Section 148. The general taxes of the City of Lewiston, both before and after delinquency, shall be assessed and collected in the same manner as is now or hereafter may be provided for under the general laws of the State for the assessment and collection of taxes in cities, towns and villages.

SEC. 2. That Sections 141, 142, 143, 144, 145, 147, 149, 150, 151, 152, 153, 154, 155 and 156 of said Charter be and the same hereby are repealed.

SEC. 3. The taxes of said, the City of Lewiston, levied, assessed and collectible for the year 1916, and for all years prior thereto, and not paid at the date of the approval of this Act, and all subsequent proceedings for the collection of such taxes, shall be enforced under and governed by said Charter

of said, The City of Lewiston, as said Charter existed prior to the passage and approval of this Act, and said sections 141, 142, 143, 144, 145, 147, 149, 150, 151, 152, 153, 154, 155 and 156 of said Charter are hereby continued in force for such purpose, notwithstanding the repeal provided for in the preceding section.

SEC. 4. That Section 163 of said Charter be and the same hereby is amended to read as follows:

Section 163. Such bonds shall be known as municipal coupon bonds of The City of Lewiston, and shall be issued in denominations of not more than one thousand (\$1,000) dollars and not less than one hundred (\$100) each, as the mayor and council may determine. Such bonds shall be made payable in twenty years or any less number of years from the date of the issuance thereof; or such bonds may be made payable serially in installments from year to year, over a period of twenty years or any less number of years, as the mayor and council may determine. Bonds made payable in twenty years, and not made payable serially in installments from year to year, shall be redeemable at the pleasure of said city in ten years from the date of issuance thereof, or any time thereafter, and such bonds shall be redeemable in the order in which they are numbered.

The bonds mentioned in this section must have attached thereto, when negotiated, semi-annual interest coupons, covering the interest expressed in the bonds, from the date of issuance until paid. Such bonds must be signed by the mayor and attested by the controller and bear the seal thereof, and be countersigned by the treasurer thereof, and the coupons attached thereto must be signed by the treasurer. The signature of the treasurer to such coupons may be lithographed. Each coupon must have annexed to the same a number corresponding with the number of the bond, and each bond must state upon its face the amount for which it is issued, and the date of issue, and be made payable to a person named, or to bearer, and must recite that it is issued by virtue of and in conformity and compliance with the provisions of this act, and of the constitution and all other laws of the State of Idaho.

SEC. 5. That Section 165 of said Charter be and the same is hereby amended to read as follows:

Section 165. The mayor and council must, upon the issue of such bonds, by ordinance, direct to be levied, and must thereafter levy annually upon all taxable property of said city, a sufficient sum to pay the interest on all bonds disposed of under this statute as it falls due, and a sufficient additional sum to constitute a sinking fund for the payment of the principal of such bonds. When such bonds are payable serially from year to year the levy of the taxes for the sinking fund of such bonds shall be in a sufficient amount to pay such bonds as they become payable. When bonds under any one issue are all payable at one certain time, the levy of taxes for the creation of a sinking fund for the payment of such issue of bonds shall be a proportionate amount each year as will be sufficient to pay said bonds in full at the time fixed for the payment thereof. And all such taxes must be levied, assessed and collected as other city taxes, until the bonds so issued are fully paid, including the interest thereon.

The faith, credit and all taxable property within the limits of said city, as they now exist, or may hereafter be extended, are and must continue pledged, and the proper officers must continue to assess and collect on all taxable property within the limits of said city, the necessary taxes to pay said bonds and interest as the same become due. Should the tax for the payment of interest on, or the principal of bonds issued under the provisions of this section, at any time not be collected in time to meet such payment, the interest must be paid out of any moneys in the city general or expense fund, and the money so used for such payment of interest must be repaid to the fund from which it is so taken, out of the first moneys paid therein, and a sum sufficient to cover such deficit shall be levied and collected at the next, or any, succeeding year.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed. It shall be the duty of said treasurer, in case of sale of bonds, to use the proceeds arising from the sale of said bonds in payment of the indebtedness described in said ordinance only. Any failure of any of the officers of said city to comply with any of the provisions of this act shall be deemed a misdemeanor, and any such officer shall be fined in an amount not exceeding the sum of three hundred dollars and imprisonment in the city jail, not exceeding six months.

That when bonds are issued under this act for the purpose

of funding, refunding, purchase or redemption of the outstanding indebtedness of said city to the profit and benefit of said city, the same may be issued without the submission of the question of the issuance thereof to the electors of said city.

No bond issued under the provisions of this chapter shall be invalidated, annulled or set aside on account of any defect, irregularity, omission, informality, failure to comply with the charter provisions, or other acts or thing whatsoever, unless, by reason thereof, it shall appear to the court that a substantial injury has been or is about to be suffered by the property owners and taxpayers of the said city, it being the intent of this act that bond issues shall rest upon the consent of the taxpayers, and that the credit of the city shall not be injured by the cancellation of its securities when issued.

The mayor and council may recite in such bonds that all things and acts requisite to the issue thereof have been duly and regularly performed, and that the same are duly and regularly issued, and as affecting innocent purchasers such recitals shall be conclusive.

SEC. 6. That Section 180 of said Charter be and the same hereby is amended to read as follows:

Section 180. The mayor and council may in their discretion provide for the collection of such assessments in installments, instead of providing for the payment of the whole amount of such assessments at any one time. When such assessments are made payable in installments, the installments shall be payable in equal amounts each year. None of such installments shall run for a longer period than ten (10) years, nor bear interest at a rate exceeding six per cent. per annum.

Where such assessments are payable in installments the owner of any piece of property liable to such assessments, may redeem his property from such liability by paying the total of all such installments chargeable against his property at any time before the first installment becomes delinquent, and may, at any time thereafter redeem his property upon the payment of the principal of all such installments remaining unpaid (together with any penalties and interest thereon for delinquency), together with the interest thereon to the date upon which the subsequent installment not then delinquent becomes payable.

SEC. 7. That Section 66 of said Charter be and the same hereby is amended to read as follows:

Section 66. To remove and prevent all obstructions in the Clearwater and Snake Rivers within said City, and to widen, straighten and deepen the same; to improve and preserve the navigation thereof; to erect, repair and regulate wharves and docks, and to regulate the rates of wharfage within the limits of the city; and to lease the water front on either or both of said rivers, to any person, steamboat or railroad company, for the purpose of erecting warehouses, wharves, wharfboats, or for any other purpose which they may deem proper.

SEC. 8. That Section 189 of said Charter be and the same is hereby amended to read as follows:

Section 189. The City of Lewiston may purchase at any such sale, but shall not bid nor pay more than the amount of the taxes or assessments or installments thereof, together with the penalties, interest and cost of collection. The sum bid by the city shall be paid into the special fund at the time of the issuance of a certificate of sale to the city out of any unappropriated revenues of the city.

In case any tract, piece or parcel of land has been offered for sale under the provisions of the foregoing section and no bids have been received therefore and such property has been returned by the city clerk unsold and in the judgment of the mayor and council it appears that the full amount of assessment with interest, penalties and costs cannot be realized on a sale, the mayor and council may, on motion entered on the minutes of its proceedings, compromise such assessment with the owner of the property assessed and may accept a less sum than the full amount of such assessment with interest, penalties and costs, and may fully and completely satisfy and discharge such assessment with interest, penalties and costs. Such satisfaction shall be entered on the books of the city by the city clerk on the order of the mayor and council.

SEC. 9. That Section 194 of said charter be and the same is amended to read as follows:

Section 194. If the property is not redeemed within two years from the date of sale the city clerk, upon the demand of the holder of any such certificate, provided there has been a full compliance with the provisions of this section, shall exe-

cute and deliver to such holder of certificate a deed for the property described in such certificate.

No holder of any such certificate shall be entitled to a deed for the property described in such certificate until the following conditions have been complied with, to-wit: Such holder of certificate shall serve or cause to be served a written or printed or partly written and partly printed notice of such purchase upon every person in actual possession or occupancy of the property described in such certificate and also upon the person in whose name the property stands upon the records in the office of the County Recorder, if, upon diligent inquiry, such person can be found within the State of Idaho, which notice shall be served at least sixty days before such deed shall be executed and delivered. The holder of such certificate shall state in such notice the date of the sale by the city clerk of such property, the description of the property sold, for what year's assessment or installment of assessment such sale was made, in whose name such property was assessed for such special assessment, the date when the time for redemption will expire and the date upon which such holder of certificate will apply for a deed of such property.

If there be no person in the actual possession or occupancy of such property and if the person in whose name the property stands of record in the County Recorder's Office cannot be found in the State of Idaho, then such holder of such certificate shall publish such notice in some daily or weekly newspaper published at Lewiston, Nez Perce County, Idaho, at least once each week for four successive weeks, the first publication of such notice to be at least sixty days before such deed shall be executed and delivered. A copy of such notice shall be mailed to the person in whose name such property stands of record in the office of the County Recorder, in case of publication, at such person's last known postoffice address, and such mailing shall be at least thirty days prior to the date named in said notice for application for deed.

In case two years' time shall have expired from the date of such sale at the time of personal service of such notice or the first publication thereof or in case said two years' period will expire within the sixty days after personal service or first publication of such notice the holder of such certificate shall not on that account be barred of his right to a deed, but such

deed shall not be executed or delivered until a full sixty days' period has elapsed from the date of such personal service or first publication of such notice.

After the giving of such notice every holder of a certificate of purchase shall, by himself or agent, make an affidavit of his having complied with the conditions and requirements of this section, stating particularly the facts relied on as constituting such compliance, which affidavit shall be delivered to the city clerk, to be by him entered on the records of his office, and which affidavit shall be prima facie evidence that such notice has been given. Any person swearing falsely to any such affidavit shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled to publish such notice in a newspaper and shall have notified the city clerk thereof in writing, then and in that event any person seeking to redeem such sold and purchased property from such sale shall pay to the city clerk for the benefit of such certificate holder the amount paid for publishing such notice, which amount shall not exceed the sum of two dollars for each lot or tract of land described in such notice. And until the notice hereinbefore provided for is served or published and the sixty day period from the date of personal service of such notice or first publication thereof has expired any person otherwise lawfully entitled to redeem such property may redeem the same.

Such deed, when executed and delivered in accordance with the provisions and requirements of this section, shall convey to the grantee in such deed the absolute title to the lands described therein free of incumbrances, but subject to taxes and other special assessments or installments of assessments. Such deed shall be prima facie evidence of the regularity of all proceedings from the assessment to and including the execution and delivery of the deed.

The purchaser shall pay to the city clerk for the use of the city the sum of two dollars upon the execution and delivery of such deed. A deed may be executed to the city, with like effect, for lands sold to the city and not redeemed."

Approved March 12, 1917.

CHAPTER 88.

(H. B. No. 34.)

AN ACT

TO AMEND SECTION 885 OF THE REVISED CODES OF IDAHO, AS THE SAME WAS AMENDED BY CHAPTER 60 OF THE SESSION LAWS OF IDAHO, 1911, APPROVED MARCH 8TH, 1911, ENTITLED, "AN ACT RELATING TO HIGHWAYS; AUTHORIZING THE APPOINTMENT OF COUNTY ROAD SUPERVISORS BY BOARDS OF COUNTY COMMISSIONERS; PROVIDING FOR THE PUBLIC COUNTY REVENUES FOR HIGHWAY PURPOSES; AUTHORIZING BOARDS OF COUNTY COMMISSIONERS TO LEVY ROAD POLL TAXES IN COUNTIES AND PROVIDING FOR THE COLLECTION THEREOF; AMENDING SECTIONS 884, 885, 886, 894, 895, 896, 897, 900, 901, 908, 912, 929 AND 951 OF THE REVISED CODES; REPEALING SECTIONS 898, 899, 903, 904, 906, 909, 910, 911, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 934 AND 935 OF THE REVISED CODES; AMENDING CHAPTER 2 OF TITLE 7 OF PART FIRST OF THE REVISED CODES BY INSERTING THEREIN THE FOLLOWING NEW SECTIONS: 874a, 882b, 883a, 885a, 887a, 887b, 887c, 887d, 908a, 928a AND 928b; REPEALING AN ACT ENTITLED, "AN ACT TO CREATE THE OFFICE OF GENERAL ROAD OVERSEER IN COUNTIES, AND PROVIDING FOR HIS APPOINTMENT, TERM, DUTIES, COMPENSATION AND BOND," APPROVED MARCH 13TH, 1909; REPEALING ACTS INCONSISTENT HERewith AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Section 885 of the Revised Codes of Idaho, as the same was amended by Chapter 60 of the Idaho Session Laws, 1911, approved March 8th, 1911, is amended to read as follows:

Section 885. It shall be the duty of each road overseer, under the direction and control of the board of commissioners, and in counties having a road supervisor, under the direction and control of such supervisor, in respect to the highways within his district:

1. To take charge of the public highways;
2. To keep them clear from obstructions and in good repair;
3. To keep all roads used as Rural Free Delivery mail routes free from impassable snow drifts and build and maintain such snow fences as are necessary to this end;
4. To cause banks to be graded, bridges and causeways to

be made when necessary, keep the same in good repair and renew them when destroyed;

5. To make to the board of commissioners, under oaths, reports at such intervals as may be fixed by the board, of all labor performed and expenses incurred in his district, of the specific condition of the highways therein and of such other matters as may be required by the board; and to make to the board from time to time as required by it such reports as it shall direct;

6. To receive and present petitions for new roads, recommend or disapprove the same, and assist in laying them out.

Approved March 13, 1917.

CHAPTER 89.

(S. B. No. 37.)

AN ACT

TO PROVIDE RELIEF FOR NEEDY BLIND PERSONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That it shall be lawful for and obligatory upon any county to contribute such sum, or sums, of money as are hereinafter specified from the current expense fund of said county toward the support of any blind person who comes under and complies with the provisions of this Act.

SEC. 2. Any male person of the age of twenty-one years, or over, and any female person of the age of eighteen years, or over, who by reason of loss of eyesight is unable to provide himself or herself with the necessities of life, and who unless relieved as authorized by the provisions of this Act would become a charge upon the public or upon those not required by law to support him or her shall be deemed a needy blind person.

SEC. 3. In order to be entitled to relief under the provisions of the Act a needy blind person must become blind while a resident of this state, or be a bona fide resident of this state for a period of seven years immediately preceding the application for relief and of the county for three years immediately preceding the application for relief; *Provided*, that in cases where the blindness ensues in this state after a period of residence less than that specified in this section, it shall be the

duty of the officer hereinafter designated to authorize the granting of relief to ascertain by sufficient evidence that the removal to this state and to the county in which relief is applied for, was not primarily for the purpose of securing relief under the provisions of this Act.

SEC. 4. Claims for relief hereunder shall be made by the claimant filing with the Probate Judge a duly verified statement of the facts bringing him or her within the provisions of this Act. The list of claims shall be filed in a book furnished for that purpose by the County Commissioners in the order of filing, which record shall be open to the public. No certificate of qualification for drawing money hereunder shall be granted until the Probate Judge shall be satisfied from the evidence of at least two reputable residents of the county, one of whom shall be a registered physician skilled in treatment of diseases of the eye, and neither of them a relative of the applicant that they know the applicant to be blind, and that he has the residential qualifications to entitle him to the relief asked. Such evidence shall be in writing, subscribed to by such witnesses who shall be subject to cross-examination by the Probate Judge, or other person. If the Probate Judge is satisfied upon such testimony that the applicant is entitled to relief hereunder, he shall issue an order therefor, in such sum as he finds needed, not to exceed one hundred and eighty dollars per annum, to be paid quarterly from the current expense funds of the county on the warrant of the County Auditor; *Provided*, that in case any family contains two or more blind persons, the total sum for such family shall not exceed two hundred and fifty dollars per annum. The relief herein provided shall be in place of all other relief of a public nature.

SEC. 5. If in the examination of the qualifications of any person filing a claim for relief, or having a place on the list of those receiving benefit hereunder, it shall be determined upon the evidence of a registered physician qualified as set forth in Section 4, that any person or persons making such claim, or then on such list, might have such disability benefited or removed by proper surgical operation, or medical treatment, and if such person entitled to such relief files his consent in writing thereto, then the Probate Judge may order expended for the purpose of such surgical operation or medical treatment all or any portion of the relief, which he may

award to such person for one year under the provisions of this act, and in such case the warrant of the County Auditor shall be issued direct to the persons entitled to compensation for such surgical operation, or medical treatment upon the certificate of the Probate Judge instead of being payable quarterly to the persons entitled to such relief.

SEC. 6. Any applicant for relief, or any person appearing in behalf of any applicant for relief hereunder who makes a false statement, shall, upon conviction be deemed guilty of perjury and punished accordingly.

Approved March 14, 1917.

CHAPTER 90.

(H. B. No. 39.)

AN ACT

TO AMEND SECTION 2378 OF THE REVISED CODES OF IDAHO, PROVIDING FOR ELECTION, TERM OF OFFICE, QUALIFICATIONS AND BOND OF DIRECTORS OF IRRIGATION DISTRICTS, AS AMENDED BY CHAPTER 48 OF THE 1915 SESSION LAWS AT PAGE 135 OF THE 13TH SESSION OF THE IDAHO LEGISLATURE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2378 of the Revised Codes of Idaho, as amended by Chapter 48 of the 1915 Session Laws at page 135, be amended to read as follows:

Section 2378. On the second Tuesday of December following the organization of any district, an election shall be held at which shall be elected one director for each division of said district by the electors of the district at large. The term of office of the directors shall immediately after the first election following such organization, be selected by lot so that as nearly as may be, one-third of the number shall hold office for the term of one year; one-third for the term of two years; and the balance for the term of three years. And an election shall be held in the district on the second Tuesday in December for each year thereafter, at which directors shall be elected to succeed those whose terms expire, to hold office for a term of three years, or until their successors are elected and qualified. Every director must be a qualified elector and a resident of the division of the director whom he is to succeed in

office. Within 10 days after receiving the certificate of election hereinafter provided for, said officers shall take and subscribe the official oath and file the same in the office of the Board of Directors, and execute the bond hereinafter provided for. Each member of said board of directors shall execute an official bond in the sum of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), the amount to be determined and approved by the judge of the probate court of said county where such organization was effected and shall be recorded in the office of the county recorder thereof and filed with the secretary of said board. All official bonds provided for in this title shall be in the form prescribed by law for the official bond of county officers.

Approved March 13, 1917.

CHAPTER 91.

(H. B. No. 51.)

AN ACT

REGULATING THE WIDTH OF TIRES ON CERTAIN WAGONS PERMITTED TO BE SOLD WITHIN THE STATE OF IDAHO, PROVIDING THE TIME FOR THE ACT TAKING EFFECT, GIVING COUNTY COMMISSIONERS DISCRETIONARY POWERS OF APPLICATION AND FIXING PENALTIES FOR THE VIOLATION OF THE SAME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person or persons, firm or corporation in the State of Idaho to sell within the State any wagon having two and three-quarters inch steel or thimble skein axle, one and seven-eighths inch tubular steel iron axle, one and one-half inch steel or iron axle or any axle of equal or greater strength than those mentioned unless the tires of such wagon be at least three inches wide.

SEC. 2. Every resident of the State of Idaho who goes without the State, purchases and brings into this State for use any wagon which has not the tires of the width prescribed herein shall be guilty of a misdemeanor: *Providing*, County Commissioners of any county within the State of Idaho may, at any time, allow the sale of and use of wagons with tires of less width than herein provided on certain roads when in their judgment it may be found necessary.

SEC. 3. Any person found guilty of the violation of any of the provisions of this Act shall be fined in the penal sum of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail not less than twenty-five (25) days nor more than three (3) months.

SEC. 4. This Act shall take effect and be in force from and after January 1, 1919.

Approved March 15, 1917.

CHAPTER 92.

(H. B. No. 56.)

AN ACT

PROVIDING FOR PUBLIC WAGON SCALES IN COUNTIES, CITIES AND VILLAGES, AND GIVING CERTAIN OFFICERS POWERS TO PRESCRIBE RULES AND REGULATIONS FOR THEIR USE AND MAINTENANCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The county commissioners of any county, outside of any incorporated city or village may, upon petition of ten freeholders in any county within the State of Idaho, establish and maintain public wagon scales at such point within such county as may be designated in said petition: *Provided*, That the persons signing the petition shall certify that the petitioners regularly deliver their produce to the point designated in said petition.

SEC. 2. The county commissioners of such county wherein such public scales are maintained shall have control of such scales and shall make such rules and regulations in regard to the maintenance and use of the same as they shall deem proper, and the said county commissioners shall appoint as many public weighmasters as they may deem necessary and fix their compensation. Such weighmasters shall have charge of such scales and properly weigh all articles and commodities thereon and give a statement to such persons applying to have such article or commodity weighed, and such statement shall be prima facie evidence of the correct weight of such articles or commodities. They shall collect such charge at the time of weighing such article or commodity as shall be fixed by the board of county commissioners, and at the end of each month

make a written report of all moneys collected by them for such charge and pay to the treasurer of such county all of such funds: *Provided, however,* Such weighmaster shall retain as his compensation such portions of the above moneys which he has collected as may have been fixed by the board of county commissioners.

SEC. 3. If the aforesaid petitioners or a less number desire to establish a public wagon scale and dedicate the same to the public use, they may do so at their own expense, and such public scale shall be subject to the same rules and regulations and all of the provisions of this Act as though originally established by and at the expense of the board of county commissioners, or the board of county commissioners may contribute any parts of the expense of erecting such public wagon scale, and the persons desiring the same shall pay the balance of such purchase price: *Provided,* That in case either method hereinbefore mentioned is adopted in establishing the wagon scale, the said scale shall become the property of the county in which it is situated and be subject to the rules and regulations of the boards of county commissioners and all of the provisions of this Act relating to county public wagon scales.

SEC. 4. Any expense incurred under the provisions of this Act relating to county public wagon scales, except compensation to weighmasters, which, in all cases, shall be paid as provided in Section 2 of this Act, shall be paid out of the current expense fund of the said county, and all moneys received from weighing charges as herein provided shall be credited to the current expense fund of the county in which such scale is situated.

SEC. 5. All statements issued by any weighmaster under the provisions of this Act shall be made in triplicate, one copy of which shall be retained by the weighmaster, one copy shall accompany the report to the county commissioners, and the original statement shall be given to the person for whom such weighing was done. Such statement shall be in substantially the following term:

“County Public Weighing Scale No. Receipt No.
 Location Date
 Weighed for
 Quality of Article or Commodity
 Gross Weight

Tare
 Net Weight
 Weighing Charge
 Signed.....
 Weighmaster."

SEC. 6. The city council of any city or the board of trustees of any village of the State of Idaho are hereby authorized and empowered to buy, establish and maintain public wagon scales in such municipality, and the said city council or board of trustees are hereby authorized and empowered to buy and maintain scales already in use in the said municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein.

SEC. 7. The city council of any city or the board of trustees of any village or any such municipality wherein such public wagon scales are maintained shall have control of such scales and shall make such rules or regulations in regard to the maintenance and use of the same as they shall deem proper, and the said city council or board of trustees shall biennially appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereon as hereafter provided and give a statement to such person applying to have such articles weighed, and such statement shall be prima facie evidence of the correct weight of such articles or commodities; and the city council or board of trustees shall fix the compensation of said weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such articles or commodities and shall, at the end of each month, pay all moneys collected by him for such charge into the treasury of the municipality and file with the clerk of such municipality a statement of the amount of all such moneys collected.

SEC. 8. Such public weighmaster, as may be appointed within such municipality, shall give a bond to the State of Idaho in the amount to be fixed by the said city council or board of trustees, and in no case shall such bond be for less amount than Two Hundred Dollars (\$200.00).

Approved March 13, 1917.

CHAPTER 93.

(H. B. No. 57.)

AN ACT

AMENDING SECTION 405 OF THE REVISED CODES OF IDAHO AS AMENDED BY AN ACT OF THE LEGISLATURE, APPROVED MARCH 10, 1913, BEING CHAPTER 100 OF THE SESSION LAWS OF 1913; AMENDING SECTIONS 406, 409 AND 424 OF THE REVISED CODES OF IDAHO; REPEALING ALL ACTS OR PORTIONS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 405 of the Revised Codes of the State of Idaho as amended by an Act of the Legislature approved March 10, 1913, being Chapter 100 of the Session Laws of 1913, be and the same is hereby amended to read as follows:

Section 405. All election ballots prepared under the provisions of this title for the election of candidates for office shall be white in color and of good quality of printing paper, and the names shall be printed thereon in black ink.

Every ballot shall contain thereon the names of every candidate whose nomination for any office specified on the ballot has been certified or filed according to the provisions of this title, but no name shall appear thereon more than once.

The ballot shall be of sufficient size to contain the names of all the candidates and questions to be voted on, exclusive of the stub or counterfoil. The width of the stub or counterfoil shall be two (2) inches and of the same length as the ballot. Each stub shall be consecutively numbered, beginning with number one, the ballot and stub being connected by a perforated line.

The ballot shall be arranged in two parallel columns, and in the years in which a presidential election is held the names of the candidates for presidential electors and the names of the candidates for state offices, including United States senator and representatives in Congress, shall be printed in the first column of said ballot. The names of the candidates for presidential electors of each political party shall be arranged in a group. The names shall be arranged in each group in the order in which they appear on the certificates of their nomination. The groups shall be arranged in the alphabetical order

of the surnames of the candidates for president and the names of the candidates in each group shall be printed upon the ballot in one column. The surnames of the candidates of each political party for the offices of president and vice-president, with the political designation thereof at the right of the surnames, shall be placed in one line above the group of candidates of such party for electors. A sufficient square in which each voter may designate by a cross (X) his choice for electors shall be left at the right of the political designation of the candidates for president and vice-president, and no other space or margin in which to vote shall be left in any such group of candidates. Immediately following the groups of candidates for presidential electors and in the same column of the ballot, but starting at the top of the column in years in which no presidential election is held, shall be printed the names of the candidates for state offices, including the offices of United States senator and representatives in Congress. The names of candidates for the offices of United States senator and representatives in Congress shall be printed immediately following the groups of candidates for presidential electors in years in which presidential elections are held, and shall be followed by the names of candidates for justice of the supreme court. In the second column of the ballot shall be printed the names of the candidates for judge of the district court, county and precinct offices and any special questions which are to be submitted to a vote of the people at a general election. The two columns of the ballot shall be separated by a space of not less than three-eighths of an inch and not more than three-fourths of an inch, and in the center of such space shall be printed a heavy black line.

To the name of each candidate for a state or county office, except candidates for justice of the supreme court and judge of the district court, shall be added his party or political designation. No greater number of candidates for any office bearing the same political designation shall be placed upon the official ballot than are to be elected.

If a candidate shall receive the nomination of more than one party or more than one political designation for the same office, he may, at any time, not less than thirty-five (35) days prior to the date of the general election, by a writing delivered to the Secretary of State, if the nomination is for a state o-

fice, or to the county auditor, if the nomination is for a county office, direct in what order the several political designations shall be added to his name upon the official ballot, and such directions shall be followed by said officer. If, during the said time, the said candidate shall neglect to direct in writing as aforesaid, then said officer shall add said political designations to the name of said candidate in such order as said officer shall see fit.

The names of candidates for every office, except the names of candidates for presidential electors, shall be arranged under the designation of the office in alphabetical order according to the surnames. Immediately preceding the list of candidates for each office shall be printed a word or words indicating the office for which said persons are candidates. Blank spaces shall be left at the end of the list of candidates for each different office, equal to the number to be elected thereto, in which the voter may insert the names of persons not printed on the ballot for whom he desires to vote.

Ballots shall be so printed as to give to each voter an opportunity to designate by a cross (X) in a square at the right of the name and designation of each candidate his choice of candidates, but nowhere upon the ballot shall any place be provided for voting for all of the candidates of any one political party by a single cross (X) or voting what is known as a straight ticket. The names of all candidates shall be printed in black ink in lines at right angles with the length of the ballot. The names of all candidates other than candidates for presidential electors and for president and vice-president shall be in capital letters not less than one-eighth of an inch nor more than one-fourth of an inch in height. The other names and the political designations of the candidates for president and vice-president shall be in capital letters not less than three-sixteenths of an inch in height. On the ballot in aid to the voter may be placed such words or explanations as "Vote for One", "Vote for Three", "Yes", "No" and the like. Immediately preceding the names of the candidates for president and vice-president and the names of the candidates for presidential electors shall be printed the following instructions to the voter: "To vote for electors of one party, mark a cross (X) in the square at the right of the party name." Immediately preceding the candidates for state offices and at the top

To vote for electors of one party, mark a cross (X) in the square at the right of the party name.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT.
(Vote Once)

BROWN AND JONES—SOCIALIST

JAMES SMITH

RICHARD ROE

THOMAS HAND

FRANK LAW

CRAIG AND SMITH—REPUBLICAN

GEORGE FOSTER

ALBERT BARNES

HENRY HESS

JOHN YOUNG

TAYLOR AND BLACK—DEMOCRATIC

To vote for a person other than a candidate for Supreme Judge, mark a cross (X) in the square at the right of the party name or political designation.

JUDGE OF THE DISTRICT COURT.
(Vote for.....)

Mark a cross (X) in the square at the right of the name of the person for whom you wish to vote.

JOHN DEWALT

WILLIAM PITNEY

STATE SENATOR.
(Vote for One)

JOHN BARTON—Republican

WILLIAM BURNS—Socialist

FRANK PORTER—Democratic

PROBATE JUDGE.
(Vote for One)

GEORGE EVANS—Democratic

of the second column on the ballot shall be printed the following instructions to the voter: "To vote for a person other than a candidate for supreme or district judge, mark a cross (X) in the square at the right of the party name or political designation." Immediately preceding the names of the candidates for justice of the supreme court or judge of the district court shall be printed the following instructions to the voter: "Mark a cross (X) in the square at the right of the name of the person for whom you wish to vote."

When constitutional amendments or other questions are to be submitted to a vote of the people at any general election the question or questions to be voted on shall be printed immediately following the names of the candidates for county and precinct offices, and immediately preceding said questions on the ballot shall be printed a word or words indicating the nature of the questions to be voted on, as "Constitutional Amendments," and the following instructions to the voter: "To vote on the following, mark a cross (X) in the square at the right of Yes or No." Immediately to the right of the questions to be voted on shall be printed the words: "Yes and No" in letters not less than three-sixteenths of an inch in height, and to the right of each word a square shall be printed on the ballot in which the voter may indicate his preference. The face of the ballot and the stub must be in substantially the following form (see insert):

SEC. 2. That Section 406 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Section 406. Whenever the Secretary of State has duly certified to the county auditor any question to be submitted to a vote of the people the county auditor shall have said question printed upon the regular official ballot in the same manner as prescribed in the preceding section for the printing of questions submitting constitutional amendments to a vote of the people. The county auditor shall also cause to be printed upon the regular official ballot any question required by law to be submitted to the vote of the electors of any locality and not to the State generally at any general election: *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone it shall be the duty of the municipal clerk to provide the necessary tickets: *Provided, further,* In case any question is to be submitted to the voters

of any county or any locality at a time when no general election is to be held the county auditor shall prepare ballots to be printed and furnished for each precinct where said questions are to be voted upon, and said ballots shall be prepared as follows:

The ballots shall be seven (7) inches wide and shall be attached to stub or counterfoil two (2) inches wide by a perforated line. Said ballots shall be white in color and at the top of the ballots shall be words indicating the nature of the proposition to be voted upon, as "County Division" or "School Bond Issue," as the case may be. Below these words and one (1) inch from the upper margin on each ballot a line shall be printed reaching the full width thereof. From a point one (1) inch from the right end of this line a perpendicular line shall be printed reaching to the lower margin of the ballot. In the space to the left of this perpendicular line shall be printed the question to be submitted to the vote of the electors, as now required by law. In the space to the right of this perpendicular line two circles, each one-half inch in diameter, shall be printed, one above the other, with the word "Yes" to the left of the upper circle and the word "No" to the left of the lower circle. The voter may place a cross (X) within one of these circles, and thereby he votes. Should two or more questions be submitted to a vote on the same ballot they shall be separated from each other by a printed line running the full width of the ballot, and immediately below said printed line shall be the word or words indicating the nature of the question to be voted on, as "County Division" or "School Bond Issue," as the case may be, and two circles, as provided above, shall be printed in the space to the right of each question. Such special ballots shall be of sufficient length to contain all questions submitted, printed in long primer type. The stubs or counterfoil shall contain the name of the county, the date of the election and shall be numbered consecutively from one upwards for each separate precinct in which said questions are voted upon.

SEC. 3. That Section 409 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Section 409. Every ballot used at any general election must, before it is handed to the voter be folded by the distributing clerk along the line separating the two columns on said ballot

and stamped on the outside with the official election stamp. After the ballot has been marked by the voter, it shall be folded in the same manner so as to conceal its contents and to expose the impression of the official election stamp on the back.

SEC. 4. That Section 424 of the Revised Codes of Idaho is hereby amended to read as follows:

Section 424. On receipt of his ticket the voter shall forthwith and without leaving the enclosed space retire alone to one of the voting shelves or compartments so provided and shall prepare his ticket by marking in the appropriate margin or placing a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by filling in or writing the name of the person for whom he wishes to vote in the blank space provided therefor under each office to be filled and following the names of the regularly nominated candidates and marking a cross (X) opposite such names. In voting for presidential electors he shall mark a cross (X) opposite the political designation of the candidates for President and Vice-President for whom he wishes to vote or by writing in the names of persons for Presidential electors in the blank spaces provided therefor and marking a cross (X) opposite such names. In case of a question submitted to the vote of the people and appearing on the regular ballot, he shall mark in the appropriate margin or square a cross (X) against the answer which he desires to give. In case of questions submitted to voters of particular localities at special elections, he shall vote by marking in the appropriate margin or circle the cross (X) against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ticket without displaying the marks thereon so as to expose the impression of the official stamp on the back and he shall keep the same so folded until he has voted. In case of the ballot voted at a regular general election, he shall fold the same in the same manner in which it is folded by the distributing clerk before being given to the voter. After marking his ballot the voter shall hand it to one of the judges and announce his name. He shall mark his ticket or ballot without delay and shall quit said enclosed space as soon as he has voted.

No such voter shall be allowed to occupy a voting shelf or

compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment more than five minutes in case all of such shelves or compartments are in use and other voters are waiting to occupy the same. No voter, not an election officer, whose name has been checked on the list of the election officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the judges for the time being to secure the observance of the provisions of this section: *Provided*, That if any registered elector, who is blind or otherwise disqualified by reason of physical infirmities rendering such voter incapable of personally marking his ballot, desires to vote, then and in that case any two of the judges not of the same political party may, at the request of such elector, mark and prepare his ballot for him, placing an (X) mark in the proper place and opposite the names of the candidates for whom such elector desires to vote. When the ballot so marked by the judges is properly prepared and folded it shall be given to the elector, who shall deliver it to the proper judge to be deposited in the ballot box, as in other cases. The judges assisting any such physically incapacitated elector in the preparation of his ballot must not influence or attempt to influence such voter in the selection of candidates to be voted for, and any judge who has assisted any such elector who shall divulge to any person the name of any candidate for whom such elector voted shall be guilty of a misdemeanor.

SEC. 5. That all acts or portions of acts in conflict with any of the provisions of this Act be and the same are hereby repealed.

Approved March 15, 1917.

CHAPTER 94.

(H. B. No. 336.)

AN ACT

TO PROVIDE FOR THE ERECTION OF A MONUMENT TO THE MEMORY OF GOVERNOR FRANK STEUNENBERG, NOW DECEASED, AND PROVIDING FOR THE APPOINTMENT OF A COMMISSION TO ASSIST IN THE SELECTION AND LOCATION OF THE SAME, AND MAKING AN APPROPRIATION FOR PAYING A PORTION OF THE EXPENSES

THEREOF IN CONNECTION WITH A VOLUNTARY ORGANIZATION KNOWN AS THE "STEUNENBERG MEMORIAL ASSOCIATION."

WHEREAS: Frank Steunenberg, now deceased, was Governor of the State of Idaho at a critical period in its history and served his state with great distinction and was thereafter assassinated at the gate of his home in the City of Caldwell, Idaho, and,

WHEREAS: A voluntary organization of citizens of Idaho met at Boise City and organized an association known as the "Steunenberg Memorial Association," having for its purpose the collection of funds to pay for the same and the erection of a suitable monument to perpetuate the memory of said Frank Steunenberg, and selected ten members as a committee to direct the affairs of said Association, the members of said committee being as follows, to-wit: W. A. Coughanour, James H. Hawley, Frank Martin, Montie B. Gwinn, C. C. Cavanah, E. H. Dewey, E. M. Wolf, E. M. Van Duyn, E. H. Plowhead and M. H. Gibbons, and,

WHEREAS: Said committee has organized by the election of W. A. Coughanour as President, M. H. Gibbons as Secretary and E. H. Dewey as Treasurer and have appointed a vice president in each county of the State, and,

WHEREAS: Said committee has made a careful investigation of the expense thereof and has ascertained that the sum of \$30,000.00 is necessary to procure a suitable monument, therefore,

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of aiding in the erection of said monument, as set forth in Section 1 of this Act, there is hereby appropriated out of the general fund of the State not otherwise appropriated the sum of \$15,000.00 to assist in paying the expense thereof upon condition that said "Memorial Association" raise a like amount for said purpose, said sum hereby appropriated to be expended through a commission of three persons to be appointed by the Governor to co-operate with the said committee of said "Memorial Association" in the selection of said monument and the location and erection thereof.

SEC. 2. When the said "Steunenberg Memorial Associa-

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§ 1

Ann'd

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§ 1 p. 132

§ 2

Ann'd

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tion" shall have raised the sum of \$15,000.00, said Association and the commission herein provided, for to be appointed by the Governor, shall notify the Governor of the fact and thereupon the funds herein appropriated shall be available for the purpose of paying one-half of the expense of securing, locating and erecting said monument, all bills payable from said fund to be approved by the commission and allowed by the State Board of Examiners as other claims against the State.

SEC. 3. Within twenty days after this Act shall become a law the Governor shall appoint three citizens of the State of Idaho as a commission to co-operate with the said "Steunenberg Memorial Association" in selecting plans or models for said monument and the purchase, erection and location thereof, and said commissioners shall serve until the completion of said work. Any vacancies occurring in said commission shall be filled by appointment by the Governor. No member of said commission or any member of the "Steunenberg Memorial Association" shall receive any compensation for his services in said work.

Approved March 20, 1917.

CHAPTER 95.

(H. B. No. 48.)

AN ACT

REQUIRING COUNTY COMMISSIONERS IN EACH OF THE COUNTIES OF THE STATE OF IDAHO AND HIGHWAY COMMISSIONERS OF THE HIGHWAY DISTRICTS OF THE STATE OF IDAHO TO PLACE SIGNS AT ROAD CROSSINGS AND INTERSECTIONS, AND PROVIDING PENALTY FOR THE VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It is hereby made the duty of the county commissioners of the different counties of the State of Idaho and the commissioners of the highway districts in the State of Idaho to place and maintain at all main road intersections and main road crossings printed signs indicating the direction to the nearest city, town or village and number of miles to such city, town or village. All such signs shall be in letters sufficiently large so that they may be easily read by those using the public highways: *Provided, however,* that it shall not be re-

quired of said commissioners to place any such sign posts within one-half mile of any city, town or village.

SEC. 2. It shall be unlawful for any person or persons to deface or destroy any signs provided for in Section 1 hereof, and any person or persons found guilty thereof shall be deemed guilty of a misdemeanor.

Approved Feb. 24, 1917.

CHAPTER 96.

(H. B. No. 19.)

AN ACT

CONFERRING AUTHORITY UPON THE ELECTORS RESIDING WITHIN CERTAIN TERRITORY HEREIN DESCRIBED TO VOTE AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER 1918 UPON THE QUESTION WHETHER SUCH DESCRIBED TERRITORY SHALL BE DETACHED FROM BANNOCK COUNTY AND ATTACHED TO FRANKLIN COUNTY; PROVIDING FOR THE HOLDING OF SUCH ELECTION, THE DETERMINATION OF THE RESULT AND THE DIVISION OF DEBTS OF BANNOCK COUNTY AS BETWEEN BANNOCK COUNTY AND FRANKLIN COUNTY ON THE BASIS OF THE VALUATION OF THE TERRITORY WHICH MAY BE DETACHED FROM BANNOCK COUNTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. At the general election to be held in November 1918 the qualified electors of the State of Idaho, who shall have resided for the period of ninety (90) days next preceding such election in the territory hereinafter described, shall have authority to vote upon the question of whether such described territory shall be detached from Bannock County and be added to Franklin County.

SEC. 2. The territory within which resident electors shall exercise the right to vote, as provided in Section 1 of this Act, is described as follows: Beginning at a point where the present north boundary line of Franklin County intersects the west boundary line of Bear Lake County; thence northeasterly along the present boundary line between Bannock and Bear Lake Counties to the point where said boundary line intersects the north line, when surveyed, of Township Thirteen (13) South, Range Forty-two (42) East, Boise Meridian; thence west along the line between Township Twelve (12) and Thir-

teen (13) to the northwest corner of Section Three, Township Thirteen (13) South, Range Thirty-nine (39) East, Boise Meridian; thence south along the Section line to its intersection with the present boundary line between Franklin and Bannock Counties; thence east on said boundary line to the point of beginning.

SEC. 3. The County Commissioners of Bannock County shall, at the proper time, provide polling places in the territory described in Section 2 of this Act, at which the resident electors may vote in the general election to be held in November, 1918, for state and county officers and on all questions which may be submitted to them for their vote at such election, including the question of the detaching of the described territory from Bannock County and adding the same to Franklin County.

SEC. 4. It shall be the duty of the County Auditor of Bannock County to prepare, for the use of the resident electors of the territory herein described, a suitable ballot upon which shall be printed a description of the territory proposed to be detached from Bannock County and added to Franklin County, as herein authorized, and the question, for detachment from Bannock County and attachment to Franklin County. (Yes--)(No--).

SEC. 5. The results of the election in so far as the said question is concerned shall be determined in the same manner as all other questions submitted at the said election, and if a majority of the electors residing within the territory herein described vote in favor of the annexation to Franklin County, it shall be the duty of the County Commissioners of Bannock County to arrange with the County Commissioners of Franklin County for the payment by property holders within the detached area of the rateable proportion of the property detached of the liabilities of Bannock County existing at the time the separation of such territory becomes effective, such proportion to be determined upon the basis of the 1918 assessment of Bannock County.

SEC. 6. All questions relating to the determination of the proportion of the bonded and floating indebtedness of Bannock County, which should be assumed by Franklin County under the provisions of this Act, shall be decided as follows: The bonded and floating indebtedness of the County of Ban-

nock, State of Idaho, existing and owing at the time this Act takes effect, shall be paid by the Counties of Bannock and Franklin in the manner and proportion as follows, to-wit: That the County of Franklin shall pay such proportion of said indebtedness as the total assessed value, as shown by the assessment rolls of 1918, of that part of Bannock County, hereby taken and declared to be a part of Franklin County, bears to the total assessed value of Bannock County, as it now exists.

Approved Feb. 8, 1917.

CHAPTER 97.

(H. B. No. 7.)

AN ACT

CREATING AND ORGANIZING CAMAS COUNTY IN THE STATE OF IDAHO OUT OF A PORTION OF THE EXISTING COUNTY OF BLAINE IN SAID STATE; DEFINING THE BOUNDARIES OF SAID CAMAS AND BLAINE COUNTIES; CLASSIFYING CAMAS COUNTY, CONSTITUTING IT A PART OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO; AND PROVIDING FOR THE REPRESENTATION OF SAID COUNTY IN THE LEGISLATURE OF THE STATE OF IDAHO; DESIGNATING AND LOCATING THE COUNTY SEAT THEREOF AT FAIRFIELD, IDAHO; PROVIDING FOR THE APPOINTMENT OF COUNTY OFFICERS IN AND FOR CAMAS COUNTY AND PRESCRIBING THEIR DUTIES; PROVIDING FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF BLAINE COUNTY BETWEEN THE COUNTIES OF BLAINE AND CAMAS AND FOR THE PAYMENT OF SAME; PROVIDING FOR THE DIVISION OF THE PROPERTY, REAL, PERSONAL AND MIXED OF BLAINE COUNTY AS BETWEEN THE COUNTIES OF BLAINE AND CAMAS; PROVIDING FOR THE TRANSCRIPTION OF THE PORTION OF ALL RECORDS IN BLAINE COUNTY RELATING TO PROPERTY AND PERSONS WITHIN THE BOUNDARIES OF THE COUNTY OF CAMAS; PROVIDING FOR THE TRANSFERRING OF THE FILES AND RECORDS OF BLAINE COUNTY RELATING TO MATTERS AND THINGS WHOLLY WITHIN CAMAS COUNTY AND PRESCRIBING THE DUTIES OF THE OFFICERS OF BLAINE COUNTY IN RELATION THERETO; PRESCRIBING THE DUTIES OF THE ASSESSOR AND TREASURER OF BLAINE COUNTY WITH REFERENCE TO THE TAXATION OF PROPERTY WITHIN CAMAS COUNTY FOR THE YEAR 1917; MAKING OTHER PROVISIONS PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF CAMAS COUNTY AND REPEALING ALL

ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. *Camas County Created out of Blaine County.* There is hereby created and formed out of the western part of the existing County of Blaine, in the State of Idaho, a new county to be called Camas County, which said county shall be organized as hereinafter provided in this Act.

SEC. 2. *Boundaries of Camas County.* All that portion of the existing Blaine County, State of Idaho, included within the following boundaries is hereby created into the said County of Camas, to-wit:

Commencing at what is now the southwest corner of Blaine County, namely, at the southwest corner of Township Two (2) South, Range Twelve (12) East, Boise Meridian;

Southern Boundary. Thence due east along the township line between Townships Two (2) and Three (3) South to the southeast corner of Township Two (2) South, Range Seventeen (17) East, B. M.;

Eastern Boundary. Thence north along the township line between Township Two (2) South, Ranges Seventeen (17) and Eighteen (18) East, B. M., to the southeast corner of Section Twelve (12), Township Two (2) South, Range Seventeen (17) East, B. M.; thence west one (1) mile to the southwest corner of Section Twelve (12), Township Two (2) South, Range Seventeen (17) East, B. M.; thence north along the section line to the intersection of said line and the center of the channel of Big Wood River; thence westerly along said Big Wood River to the junction of Big Wood River and Malad River (or Camas Creek); thence westerly along the center of the channel of Malad River (or Camas Creek) to the intersection of said river and the section line between Sections Fourteen (14) and Fifteen (15), Township One (1) South, Range Sixteen (16) East, B. M.; thence north along said section line to the township line between Township One (1) South, Range Sixteen (16) East, B. M., and Township One (1) North, Range Sixteen (16) East, B. M.; thence east along said Township line to the southeast corner of Section Thirty-Four (34), Township One (1) North, Range Sixteen (16) East, B. M.; thence north along the section line two (2) miles to the northeast corner of Section Twenty-seven (27),

Township One (1) North, Range Sixteen (16) East, B. M.; thence west along the section line one (1) mile to the northwest corner of Section Twenty-seven (27), Township One (1) North, Range Sixteen (16) East, B. M.; thence northerly along the section line to the main divide between Beaver Creek on the west and Camp Creek on the east; continuing thence northerly along the summit of the said mountain range or water shed between Beaver Creek and Camp Creek to its junction with the summit of the mountain range or water shed dividing Willow Creek and its tributaries on the west and Big Wood River and its tributaries on the east; thence continuing northerly and westerly along the said last mentioned summit across Buttercup Mountain to a point which is approximately five (5) miles northwest of Buttercup Mountain and two (2) miles due south of U. S. G. S. Bench Mark Elevation 7281 on Warm Spring Creek, which point is marked Elevation 8588 on U. S. G. S. Topographical Map of Idaho Sawtooth Quadrangle, Edition of January, 1900, reprinted February, 1909; thence continuing along the summit about North 35 degrees west to a point designated on said map of said quadrangle as Elevation 8492; thence westerly along said summit to a point marked Elevation 9310 on said map; thence northerly along the summit of the Smoky Mountains forming the summit of the water shed dividing the Boise River and its tributaries on the west, the Big Wood River and its tributaries on the east to its intersection with the summit of the Sawtooth Mountains at a point marked Elevation 10,000 on said map, where the said summit of the Sawtooth Mountains forms a water shed dividing the Boise River and its tributaries on the west and south, the Salmon River and its tributaries on the west and north, and Big Wood River and its tributaries on the east;

Northern Boundary. Thence westerly along the summit of the Sawtooth Mountains where it forms a water shed between the Boise River and its tributaries on the south and the Salmon River and its tributaries on the north to its intersection with the eastern boundary of Elmore County at a point where the trail crosses the summit of what is known as Mattingly Creek Divide;

Western Boundary. Thence Southwesterly along the said divide to a point as far east as the range line between Ranges

Eleven (11) and Twelve (12) East, thence due south to the township line between Townships Two (2) and Three (3) South, the point of beginning.

SEC. 3. *Boundaries of Blaine County.* All that portion of the County of Blaine, within the State of Idaho, not embraced within the boundaries of the County of Camas, as described in Section Two (2) of this Act, shall remain and constitute Blaine County.

SEC. 4. *County Seat of Camas County.* The county seat of the said County of Camas is hereby located and declared to be the Village of Fairfield, Idaho.

SEC. 5. *Classification of Camas County.* The County of Camas is hereby declared to be a county of the third class.

SEC. 6. *Representation in Legislature.* Until otherwise provided by law, the County of Camas shall constitute a senatorial district and shall be entitled to elect one Senator and one Representative to the Legislature.

SEC. 7. *Camas County a Part of the Fourth Judicial District.* The said County of Camas shall be included in and form a part of the Fourth Judicial District of the State of Idaho, and the terms of the District Court for said county shall be fixed by the judges of said court in the manner now provided by law for fixing terms of the district courts in this State.

SEC. 8. *Jurisdiction Pending Organization.* The territory of said Camas County as herein created, for judicial purposes and for the enforcement of the laws against crime, shall be part of and belong to the territory of Blaine County, until the officers of Camas County have been appointed and qualified as herein provided.

SEC. 9. *Organized Sub-divisions of County Continued.* All organized and existing precincts, school districts, road districts, villages and other municipalities, the whole of which are included in the territory of Camas County, as herein created, shall continue to be organized precincts, school districts, road districts, villages or municipalities, as the case may be, and as such be and become a part of Camas County, and the officers thereof shall continue to be such until their successors and elected or appointed and qualified.

SEC. 10. *Divided Subdivisions Unorganized Territory.* In

case the boundary line between the Counties of Blaine and Camas shall divide any established precinct or road district, all such fractions of such precincts and road districts shall be deemed to be and hereby are declared to be unorganized territory of the county in which said fractions are located, respectively, and it shall be the duty of the county commissioners of the county in which such fractions are located, to attach such fractions of former precincts and road districts to such adjoining similar subdivisions in their county, as they may determine to be best.

All school districts which shall be divided by the boundary line between Blaine and Camas Counties, as herein established, are hereby declared to be joint school districts of both counties and shall be governed by the provisions of law applicable to joint districts.

Organization of Camas County.

SEC. 11. *Appointment, Qualification and Duties of First County Officers.* Within ten (10) days after this Act shall take effect the Governor of the State of Idaho is hereby authorized and directed to appoint for the County of Camas the following officers:

Three commissioners, a sheriff, a clerk of the district court, who shall be ex-officio auditor and recorder and clerk of the board of county commissioners, a county treasurer, who shall be ex-officio public administrator and ex-officio tax collector, a county assessor, a coroner, a surveyor, a probate judge, a county superintendent of public instruction, and a prosecuting attorney.

All of said appointees shall possess the qualifications prescribed by the general laws of the State of Idaho for such officers. Each of said officers shall perform the duties and have the powers and privileges prescribed, defined and limited by the general laws of the State of Idaho governing such officers, and in addition thereto shall do and perform the duties prescribed by this Act.

The clerk of the district court so appointed, as above provided for, shall forthwith qualify before a judge of the Fourth Judicial District of the State of Idaho, and the other officers shall immediately thereafter qualify in the manner now provided by law and enter upon the discharge of their respective

official duties. The officers so appointed shall hold their respective offices until their successors are elected and qualified, the same as if they had been elected at the regular general election held in 1916.

SEC. 12. *Organization Meeting of County Commissioners.* The county commissioners of said Camas County shall, within ten (10) days after their qualification, as aforesaid, meet at the Village of Fairfield within said county, and provide suitable offices and places within the corporate limits of said Village of Fairfield for the officers of said county, with suitable accommodations for the safe keeping of the papers, files, records and other personal property belonging to the said county, or connected with any of the offices therein, and suitable places for the holding of district court, and for the care and custody of prisoners.

The said county commissioners shall at such meeting divide said county into three commissioner districts, reorganize the unorganized subdivisions of the county, as herein otherwise provided, and in general do all things necessary to systematize the business of said Camas County and to carry out the provisions of this Act.

SEC. 13. *Apportionment of Indebtedness and Division of Property Between Blaine and Camas Counties.* The indebtedness of the existing County of Blaine at the time of the taking effect of this Act shall be apportioned and the property thereof divided between the counties of Blaine and Camas as follows:

1. The county court house, together with the furniture, fixtures and appurtenances thereunto belonging, and the real estate, upon which the same is situated at Hailey, Idaho, and the county poor farm and county pest house and grounds near said village shall be and remain the property of Blaine County without any compensation therefor to Camas County.

2. All county bridges and roads and other public improvements located within the boundaries of Camas County, as herein defined, shall be and remain the property of said Camas County, without compensation therefor to Blaine County, and all county bridges and roads and other public improvements located within the boundaries of Blaine County, as herein defined, shall be and remain the property of Blaine County, without compensation therefor to Camas County.

3. All taxes collected by the Assessor of Blaine County for the year 1917, on personal property, including migratory stock, within the territory included within Camas County, both before and after the taking effect of this Act, shall be the property of Camas County; and such taxes so collected on property within Blaine County outside the territory included in Camas County, shall be and remain the property of Blaine County.

4. All other property, real, personal and mixed, belonging to the existing County of Blaine shall be divided, and all indebtedness thereof shall be apportioned between the said Counties of Blaine and Camas, as herein defined, in the proportion that the assessed valuation of the taxable property in each respectively, as shown by the assessment roll of 1916, bears to the total assessed valuation of Blaine County as it now exists.

SEC. 14. *Apportionment Between Subdivided School and Road Districts.* All money and property which belongs to any road district divided by the boundary line between the Counties of Blaine and Camas, as well as the bonded and floating indebtedness of such district, shall be apportioned and divided between the different parts thereof in the proportion that the assessed valuation of the respective parts of such district, as shown by the assessment roll of 1916, bears to the total assessed valuation of the undivided district.

SEC. 15. *Provision for Appraisal and Audit.* For the purpose of effecting the apportionment of indebtedness and division of property provided in Subdivision 4 of Section 13 and in Section 14, the following procedure is prescribed:

The Board of County Commissioners of Blaine County and the Board of County Commissioners of Camas County, within ten (10) days after the latter shall have qualified, shall each meet at their respective county seats and each appoint a competent accountant. The accountants so appointed shall constitute a board of auditors and appraisers, and shall, within five (5) days after their appointment, meet at the Village of Hailey, Idaho, in Blaine County, and, after taking the usual oath of office and filing the same with the Recorder of said Blaine County, and a duplicate thereof with the Recorder of said Camas County, shall then and there proceed to examine the county records of Blaine County and make a full statement and report of all matters and things necessary or proper

to be ascertained, audited, appraised and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of said indebtedness and the division of said property, as of the date of the taking effect of this Act, with their conclusions as to the amounts due from one county to the other upon such settlement at said date.

The said statement and report shall be made in duplicate and certified and one copy thereof filed with the clerk of the board of county commissioners of each of said counties. When so made and filed, said appraisal, report, apportionment and statement shall be final and binding upon both and each of the said Counties of Blaine and Camas and the respective subdivisions thereof.

Said statement and report shall include, among other things, the following items, to-wit:

First. The total assessed valuation of all taxable property within each of said counties as shown by the assessment rolls of Blaine County for the year 1916, and the ratio which the amount of such property within each county bears to the whole of said assessment roll.

Second. The amount of all general funds of Blaine County in the possession or under the control of the County Treasurer of Blaine County at the time of the taking effect of this Act, including all current expense and road and bridge funds, but not including any sinking fund or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said county, and the apportionment thereof between the Counties of Blaine and Camas according to the ratio of taxable property in each of the said counties established as hereinbefore provided.

Third. An appraisal of all public property, real, personal and mixed, belonging to Blaine County at the time of the taking effect of this Act, not hereinbefore specifically apportioned, other than the moneys and funds elsewhere in this Section referred to.

Fourth. The whole amount of the indebtedness other than bonded, of Blaine County, for which said county as a whole was liable at the time of the taking effect of this Act.

Fifth. An apportionment of the public property and in-

debtedness other than bonded indebtedness, as determined under the third and fourth clauses of this Section, between the Counties of Camas and Blaine according to the ratio of taxable property established as hereinbefore provided, charging said Camas County with its pro rata share of the indebtedness of Blaine County as it existed at the time of the taking effect of this Act and with Blaine County's pro rata share of any public property within the boundaries of Camas County, and crediting said Camas County with its pro rata share of any public property apportioned under this Section remaining within the boundaries of Blaine County, and a statement of the balance found to be due from one of said counties to the other under such apportionment.

Sixth. The whole amount of the bonded indebtedness of Blaine County, for which said county was liable at the time of the taking effect of this Act, after deducting therefrom any funds then on hand in the treasury of said county provided for the redemption thereof, or the payment of interest thereon, and an apportionment thereof between the said Counties of Blaine and Camas according to the ratio of taxable property, as hereinbefore provided.

Seventh. The amount of taxable property in the respective portions of any road districts divided by the creation of Camas County, as shown by the assessment rolls of Blaine County for the year 1916, and the ratio which the amount of said property in that portion of any such district included within the boundaries of Camas County bears to the amount of taxable property in that portion of such district remaining in Blaine County. The amount of the indebtedness and property of any such divided road district and an apportionment thereof to the different parts in the ratio so determined.

Eighth. The amount of all moneys and funds in the possession or under the control of the County Treasurer of Blaine County, at the time of the taking effect of this Act, belonging to any school or road district or to any town, village, or other municipal corporation included within the boundaries of Camas County, and the portion of any such moneys and funds belonging to any road district divided by the creation of Camas County to which the segregated portion of such district is entitled according to the ratio established under the last preceding clause of this Section.

Ninth. The amount of all moneys in the general school fund of Blaine County in the possession or under the control of the Treasurer of said county at the time of the taking effect of this Act, and the portion thereof to which the school districts included within the boundaries of Camas County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made.

Tenth. A general summary of the matters and things determined by said accountants, as hereinbefore specified, and a report of all other matters necessary or proper to make a full and satisfactory adjustment and settlement between said counties.

In event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a third competent accountant to assist them, and if they cannot agree upon such third accountant, the Governor of Idaho shall at the request of either of said accountants, appoint a disinterested citizen, who shall be neither a resident of, nor an owner of taxable property in either of said counties, to assist them, which third accountant, after taking the same oath of office, shall act with such accountants, and the statement and report of a majority of such board of three thus constituted when filed as above provided, shall have the same force and effect and shall be as final and decisive as though made by the accountants originally designated.

Such accountants so appointed as aforesaid shall be paid a reasonable compensation for their services rendered, to be audited, allowed and paid by their respective counties. And in case a third accountant be appointed as herein provided, his compensation shall be audited, allowed and paid by the board of county commissioners of said counties equally.

SEC. 16. *Settlement Between Counties.* For whatever amount, other than for the bonded indebtedness of Blaine County, found to be due from either of said counties to the other upon the apportionment of the public funds and the property made by said accountants, as hereinbefore provided, the Board of County Commissioners of the debtor county shall, at their first regular meeting after the filing of said statement and report, cause county warrants to be drawn by the auditor of such county for the amount so due, payable to

the creditor county, which said warrant shall draw interest at the rate of seven per cent (7 per cent) per annum from the date of the taking effect of this Act until paid, and shall be delivered to the proper officer of the creditor county.

The amount of the bonded indebtedness of Blaine County, which shall be apportioned by the said accountants to Camas County, shall be a valid and existing debt and obligation of Camas County, and the County Commissioners of said Camas County shall make provision for the payment of any such bonded indebtedness so apportioned to it, both principal and interest, as it becomes due, by levying taxes at the times fixed by law for so doing and in the same manner as the County Commissioners of Blaine County should or could have done, had this Act not been passed; and such taxes when levied and collected by the proper officers of Camas County shall be immediately paid by the Tax Collectors of Camas County to the County Treasurer of Blaine County, who shall give a receipt therefor, and such money so paid shall be applied to the payment of the indebtedness for which it was levied and collected by Camas County.

Real property or any interest therein acquired by the former County of Blaine by virtue of tax proceedings, including tax sale certificates or delinquency certificates, shall vest in the county in which the said property is situated.

SEC. 17. *Transcribing Records.* As soon as practicable after the passage of this Act, the County Recorder of Blaine County, under instructions from the Commissioners of Camas County, shall transcribe from the records of his office into the permanent records, the blanks therefor to be furnished by the Commissioners of Camas County, all instruments, papers, and other matters and things relating to or affecting property in the territory included in said County of Camas. When any of said records are completed, said county recorder shall certify therein as to the identity and correctness of said record and deliver the same into the possession of the County Recorder of Camas County. Said records, when so prepared and certified, shall be official records of said Camas County as to all property matters and things to which they refer or which they affect, and shall have the same force and effect as the originals.

SEC. 18. *Duty of Tax Collector of Blaine County.* The

County Tax Collector of Blaine County shall, immediately upon the taking effect of this Act, proceed to make and certify a copy of the tax rolls of his office, so far as they show the unpaid taxes against persons, firms, associations, corporations and property in the territory included in the County of Camas, and as soon as completed, shall deliver said copy to the county tax collector of the county last named. Said copies of the tax rolls shall be official records of said last named county, with the same force and effect as the originals thereof, and the same shall be authority for the Tax Collector of said Camas County to collect unpaid taxes in any manner authorized by law.

SEC. 18a. *Duty of Assessor of Blaine County.* The assessor of Blaine County shall complete the real property assessment roll for the year 1917 separately on all property properly taxable thereon within the former County of Blaine which is included within the boundaries of Camas County, and shall file the same in the form required by law with the Clerk of the Board of County Commissioners of Camas County on or before the fourth Monday in June, 1917; and said assessment roll shall constitute the real property assessment roll of Camas County for the year 1917.

The said assessor shall deliver to the Assessor of Camas County, immediately upon the latter's qualification, a full and complete statement of all personal property taxes collected by him for the year 1917 upon property located within the territory of Camas County and of all migratory live stock assessed by him in said territory for said year, together with all securities received by him for the payment of any of such taxes, all in the form provided by law for the personal property assessment roll, and properly certified by him; and the Assessor of Camas County shall proceed to complete the personal property assessment roll for Camas County and file the same as provided by law, including therein the data so furnished him by said Assessor of Blaine County.

Camas County shall make reasonable compensation to Blaine County for the expenses of such assessment of property within the territory of Camas County so performed by the Assessor of Blaine County.

SEC. 19. *Transferring of Original Records.* All of the records, instruments, documents, maps, plats, tax sale certifi-

cates, or other papers in the possession of any officer of Blaine County which relates wholly to and covers property located entirely in Camas County shall be certified to by the officer of said Blaine County in whose possession they now are, and by him turned over to the proper officer of Camas County, without being transcribed, and shall be a part of the public records of said last named county.

SEC. 20. *Duty of Treasurer of Blaine County.* The County Treasurer of Blaine County shall, as soon as the County Treasurer of Camas County is qualified to act, pay over to the County Treasurer of said last named county: (a) all monies collected by the Assessor of Blaine County for personal property taxes for the year 1917 belonging to Camas County; (b) all school money and road money or other funds in his hands belonging to the school or road districts or fractions thereof in Camas County, which has come into his possession or control from taxes or other revenues collected up to the time of the taking effect of this Act; and shall also pay to the municipal corporations in said last named county all funds in his hands belonging to such corporations.

Any funds which may thereafter come into the hands of said treasurer from any source properly belonging to Camas County or any of the subdivisions thereof, shall likewise be turned over to the treasurer of said last named county.

SEC. 21. *Disposition of Pending Actions in the District Court.* All actions and proceedings pending in the District Court of Blaine County at the time of the taking effect of this Act, which should have been brought in said last named county, had it existed at the time, shall be transferred to the said County of Camas on application of any party thereto, or his attorney.

Upon the written application of any party interested in any such action or proceeding, or his attorney, the court, or a judge thereof at chambers, shall sign, in duplicate, an order directing the transfer of the action or proceeding, one of which orders shall be filed with the clerk of the district court in each of said counties.

Upon the filing with him of said order for transfer, the Clerk of the District Court of Blaine County shall immediately transmit to the Clerk of the District Court of Camas County all the pleadings and other papers belonging to the files and

shall make out and enclose therewith a transcript of all the record entries of the proceedings and orders had and entered on said case, and an itemized statement of all costs and fees taxed or claimed therein, and shall send with said files, transcript and statement his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the record entries so transcribed comprise all the pleadings and orders in relation to said action or proceedings.

Upon receipt by him of the papers in the action so transferred, the Clerk of the District Court of Camas County shall file the same and docket said case in the same manner as though it had been originally commenced in his county and shall charge no fee therefor, but in all filings and proceedings subsequent thereto, he shall charge and collect the fees provided for by the general laws of the State of Idaho.

SEC. 22. *Transfer of Original Court Files.* As soon as practicable after the taking effect of this Act, the Clerk of the District Court of Blaine County shall transmit to the Clerk of said District Court of Camas County the judgment rolls and all other papers belonging to the files in all actions and proceedings in the District Court of Blaine County wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Camas County, with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate, specifying and identifying said pleadings and papers. Where said real estate, water rights or mining interests lie partly in both of said counties, the Clerk of the District Court of Blaine County shall make and transmit to the Clerk of the District Court of Camas County duly certified copies of the judgment rolls.

Upon receipt by him of the said papers and transcripts, the Clerk of the District Court of Camas County shall file and index the same, and upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office the orders, decrees, judgments and other proceedings so entered in Blaine County as shown by the transcript thereof, which shall, in all cases, have the same validity and effect as the originals.

SEC. 23. *Transcript of Judgment Docket.* Upon taking effect of this Act, the Clerk of the District Court of Blaine County shall prepare a list and statement of all judgments for the payment of money entered or filed in his office affecting persons or property in said Camas County that are unsatisfied and not barred by the statute of limitations which shall show the names of the parties to each suit, the judgment defendants, the dates and amounts of the several judgments, with the rate of interest each bears and the amount of all costs incurred in each, and shall certify the same to the Clerk of said County of Camas. The clerk of said last named county, upon receipt of such lists and statements, shall make a record of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Camas County, and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed, and shall have the same force, effect and validity as though originally entered in Camas County.

SEC. 24. *Transfer of Probate Files.* The Probate Judge of Blaine County shall, upon the qualification of the Probate Judge of Camas County, transfer all pending civil and criminal actions, probate and other proceedings and other business pertaining to his office properly belonging to the said last named county, and shall transmit to the Probate Judge of Camas County all the pleadings, petitions, bonds, reports, and other papers belonging to or connected with such actions, proceedings or matters, with certified transcripts of all record entries therein; and the procedure prescribed in this Act relating to the transfer of actions in the district court shall, as far as applicable, govern transfers in the probate court, except that such transfers shall be made without any application therefor being required.

SEC. 25. *Duties of Public Administrator of Blaine County.* The public administrator of Blaine County, upon the taking effect of this Act, shall deliver to the public administrator of Camas County all moneys, funds, property, papers and other matters and things in his possession or under his control as administrator of any estate transferred under the last preceding section of this Act, and shall thereupon make and file

a full account and report of his administration to the date of such transfer, and thereafter the public administrator of Camas County shall take charge of such estate or estates and proceed with the administration of the same.

SEC. 26. *Payment for Transcribing Records.* The actual cost of transcribing all records herein required to be transcribed shall be paid by Camas County at a price to be agreed upon between the county commissioners thereof and the officer of Blaine County whose duty it is to transcribe such records. If an agreement cannot be reached between said parties prior to said transcribing and within fifteen (15) days after the commissioners of Camas County shall first meet and organize, the officer required to make such transcripts shall let a contract therefor to the lowest responsible bidder, after notice thereof to be given by publication in at least two (2) consecutive issues of a weekly newspaper published at the county seat of Blaine County.

SEC. 27. *Legal Effect of Transferred Records.* All the papers, files, statements, transcripts, and other records, matters and things transferred from Blaine County, or any of the officers thereof, to Camas County, or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared to be a part of the legal and official records of said last named county to the same extent and effect as the originals thereof, and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 28. *General Laws Applicable.* All laws of the State of Idaho of a general nature applicable to the several counties of this State and the officers thereof are hereby made applicable to the County of Camas, except as otherwise provided in this Act.

SEC. 29. *Repealing Clause.* All acts and parts of acts inconsistent with this Act are hereby repealed in so far as they are in conflict with the provisions of this Act.

Approved Feb. 6, 1917.

CHAPTER 98.

(H. B. No. 6.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF BUTTE IN

THE STATE OF IDAHO; TO DEFINE THE BOUNDARIES THEREOF AND THE BOUNDARIES OF THE COUNTIES OF BLAINE, JEFFERSON AND BINGHAM IN SAID STATE AFTER SAID COUNTY OF BUTTE HAS BEEN CREATED; TO CLASSIFY BUTTE COUNTY; TO DESIGNATE THE TEMPORARY COUNTY SEAT AND PROVIDE FOR THE LOCATION OF THE PERMANENT COUNTY SEAT OF BUTTE COUNTY; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF BLAINE, JEFFERSON AND BINGHAM COUNTIES BETWEEN SAID COUNTIES, RESPECTIVELY, AND BUTTE COUNTY, AND TO PROVIDE FOR THE PAYMENT THEREOF; TO PROVIDE FOR THE DIVISION OF THE PROPERTY AND MONEYS OF BLAINE, JEFFERSON AND BINGHAM COUNTIES RESPECTIVELY, BETWEEN SAID COUNTIES AND BUTTE COUNTY; TO PROVIDE FOR THE APPOINTMENT OF COUNTY OFFICERS IN AND FOR BUTTE COUNTY AND PRESCRIBING THEIR DUTIES; TO PROVIDE FOR THE TRANSCRIPTION AND TRANSFER OF THOSE PORTIONS OF THE RECORDS AND FILES OF BLAINE, JEFFERSON AND BINGHAM COUNTIES RESPECTIVELY RELATING TO PERSONS AND PROPERTY WITHIN BUTTE COUNTY AND TO PRESCRIBE THE DUTIES OF THE OFFICERS OF BLAINE, JEFFERSON AND BINGHAM COUNTIES IN REGARD THERETO; TO PROVIDE FOR THE ASSESSMENT OF PROPERTY WITHIN THE BOUNDARIES OF BUTTE COUNTY FOR THE YEAR 1917 AND PRESCRIBING THE DUTIES OF THE ASSESSORS OF BLAINE, JEFFERSON AND BINGHAM COUNTIES RELATING THERETO; TO CONSTITUTE BUTTE COUNTY A PART OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO AND TO PROVIDE FOR THE TRANSFER OF CERTAIN PROCEEDINGS NOW PENDING IN THE COURTS OF BLAINE, JEFFERSON AND BINGHAM COUNTIES, RESPECTIVELY, TO THE COURTS OF BUTTE COUNTY; TO PROVIDE FOR THE REPRESENTATION OF SAID COUNTY OF BUTTE IN THE LEGISLATURE OF THE STATE OF IDAHO; AND FOR OTHER PURPOSES PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF THE COUNTY OF BUTTE; AND REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be and there is hereby created and formed, out of existing parts of Blaine, Jefferson and Bingham Counties in the State of Idaho, a new county to be called Butte County, to be organized as hereinafter provided in this Act.

SEC. 2. All that portion of the State of Idaho included within the following boundaries, to-wit: Commencing at the

point which, when surveyed, will be the southeast corner of Section Thirty-one (31) in Township One (1) North, Range Twenty-four (24) East B. M., and running thence due north to the summit of the range of mountains dividing the headwaters of Fish Creek, Cottonwood Creek and Copper Creek from the waters of Lava Creek, Champagne Creek and Antelope Creek; thence northwesterly along the summit of said range of mountains to the present boundary line between Blaine and Custer Counties; thence in a northerly direction along and upon the present boundary line of Blaine and Custer Counties to a point which is common to Blaine, Custer and Lemhi Counties; thence east along the present boundary line between Blaine and Lemhi Counties to a point on the township line between Townships Ten (10) and Eleven (11) North, directly north of the big Southern Butte; thence south along the present boundary line between Blaine and Fremont Counties to the point common to Blaine, Jefferson and Fremont Counties; thence east along the boundary line between Fremont and Jefferson Counties to a point where said line intersects the township line between Range Thirty-one (31) and Range Thirty-two (32) East B. M.; thence south along said township line to a point in Bingham County at the southeast corner of Township Three (3) North, Range Thirty-one (31) East B. M.; thence west along the township line to where said line intersects the township line between Range Thirty (30) and Range Thirty-one (31) East B. M.; thence south along said line to the southeast corner of Township Two (2) North, Range Thirty (30) East B. M.; thence west to the southwest corner of Township Two (2) North, Range Thirty (30) East B. M.; thence south along the township line to the southwest corner of Township One (1) South, Range Thirty (30) East B. M.; thence west to what will be when surveyed, the southwest corner of Township One (1) South, Range Twenty-seven (27) East B. M.; thence north to what will be, when surveyed, the southwest corner of Township One (1) North, Range Twenty-Seven (27) East B. M.; thence west to the southeast corner of Section Thirty-one (31) in Township One (1) North, Range Twenty-four (24) East B. M.; which is the place of beginning, is hereby created and organized into and declared to be the county of Butte.

SEC. 3. All that portion of the present county of Blaine

within the State of Idaho, not embraced within the boundaries of the County of Butte, as described in Section Two (2) of this Act, shall remain and constitute Blaine County; all that portion of the present county of Bingham within the State of Idaho, not embraced within the said boundaries of the County of Butte, shall remain and constitute Bingham County; all that portion of the present County of Jefferson within the State of Idaho, not embraced within the said boundaries of the County of Butte, shall remain and constitute Jefferson County.

SEC. 4. The temporary county Seat of Butte County shall be, after the establishment of said County, located at the village of Arco, Idaho, and at the general election to be held in 1918 a vote, as provided by law, shall be had as to the location of the permanent county seat of said Butte County.

SEC. 5. The county of Butte is hereby declared to be a county of the third class.

SEC. 6. Until otherwise provided by law the County of Butte shall constitute a senatorial district of the State of Idaho and shall be entitled to elect one Senator and one Representative to the Legislature.

SEC. 7. The County of Butte shall be included in and form a part of the Sixth Judicial District of the State of Idaho, and the terms of the district court for said county shall be fixed by the judges of said court in the same manner now provided by law for fixing terms of district courts in this State.

SEC. 8. The territory of said Butte County for judicial purposes and enforcement of the laws against crime shall be deemed to belong to the territory of the respective Counties of Blaine, Bingham and Jefferson until the officers of said County of Butte shall have been appointed and qualified as herein provided.

SEC. 9. All organized and existing precincts, school districts, road districts, villages and other municipalities, the whole of which are included in the territory of Butte County, shall continue to be organized precincts, school districts, road districts, villages or municipalities, as the case may be, and as such be and become a part of Butte County, and the officers thereof shall continue to be such until their successors are elected or appointed and qualified.

SEC. 10. In case the boundary lines between the Counties of Butte and Blaine, Jefferson and Bingham, respectively, shall divide any established precinct or road district, such fractions of such precincts or road districts shall be deemed to be and hereby are declared to be organized territory of the county in which said fractions are located, respectively, and it shall be the duty of the county commissioners of the county in which such fractions are located to attach such fractions of former precincts and road districts to such adjoining similar subdivisions in their county, as they may determine to be best. All school districts which shall be divided by the boundary line of Butte County are hereby declared to be joint districts of both counties, and shall be governed by the provisions of law applicable to joint districts.

SEC. 11. Within Ten (10) days after this Act shall take effect, the Governor of the State of Idaho is hereby authorized and directed to appoint for the County of Butte the following officers: Three county commissioners; a sheriff; a clerk of the district court, who shall be ex-officio auditor and recorder and clerk of the board of county commissioners; a county treasurer, who shall be ex-officio public administrator, and ex-officio tax collector; a county assessor; a coroner; a surveyor; a probate judge; a county superintendent of public instruction, and a prosecuting attorney.

All of said appointees shall possess the qualifications prescribed by the general laws of the State of Idaho for such officers. Each of said officers shall perform the duties and have the powers and privileges prescribed, defined and limited by the general laws of the State of Idaho governing such officers, and in addition thereto shall do and perform the duties prescribed by this Act.

The recorder so appointed as above provided for, shall forthwith qualify before a judge of the Sixth Judicial District of the State of Idaho, and the other officers shall immediately thereafter qualify in the manner now provided by law and enter upon the discharge of their respective official duties. The officers so appointed shall hold their respective offices until their successors are elected and qualified the same as if they had been elected at the regular general election held in 1916.

SEC. 12. The county commissioners of Butte County shall,

within ten (10) days after their qualifications, as aforesaid, meet at the village of Arco within said county and provide suitable offices and places within the corporate limits of said village for the officers of said county with suitable accommodations for the safe keeping of the papers, files, records and other personal property belonging to the said county or connected with any of the offices therein, and suitable places for the holding of district court and for the care and custody of prisoners.

The said county commissioners shall at such meeting divide said county into three (3) commissioner's districts, reorganize the unorganized subdivisions of the county as herein otherwise provided, and in general do all things necessary to systematize the business of said Butte County and to carry out the provisions of this Act.

SEC. 13. The indebtedness of the existing counties of Blaine, Jefferson and Bingham, respectively, at the time of taking effect of this Act, shall be apportioned and the property thereof be divided between the Counties of Blaine, Jefferson and Bingham, respectively, and Butte County, as follows:

1. The county court houses, together with all furniture, fixtures and appurtenances thereunto belonging, and the real estate upon which the same is situated, and the county poor farms and county pest houses and grounds, shall be and remain the property of Blaine, Jefferson and Bingham Counties, respectively, without any compensation therefor to Butte County.

2. All county bridges and roads and other public improvements located within the boundaries of Butte County shall be and remain the property of Butte County without compensation therefor to Blaine, Jefferson or Bingham counties; and all county bridges and roads and other public improvements located within the boundaries of Blaine, Jefferson and Bingham Counties, respectively, as herein defined, shall be and remain the property of said Blaine, Jefferson and Bingham Counties, respectively, without compensation therefor to Butte County.

3. All taxes collected by the Assessors of Blaine, Jefferson and Bingham Counties, respectively, for the year 1917, on personal property, including migratory stock, within the terri-

tory included within Butte County, both before and after this Act shall take effect, shall be the property of Butte County; and such taxes so collected on property within their respective counties outside the territory included in Butte County, shall be and remain the property of such counties respectively.

4. All other property, real, personal and mixed, belonging to the County of Blaine, as heretofore existing, shall be divided and all indebtedness thereof shall be apportioned between the Counties of Blaine and Butte, as herein defined, in the proportion that the assessed valuation of the taxable property in Blaine County, as herein defined, and in the portion of Butte County taken from Blaine County as heretofore existing, as shown by the assessment roll of 1916, bears to the total assessed valuation of Blaine County as heretofore existing; and all such property belonging to the Counties of Jefferson and Bingham, respectively, as heretofore existing, shall be divided and all indebtedness thereof apportioned between said counties, respectively, and Butte County, in the same manner as is provided for the division of property and apportionment of indebtedness between Blaine and Butte Counties.

SEC. 14. All money and property which belongs to any road district divided by the boundary line of Butte County, as well as the bonded and floating indebtedness of such district, shall be divided and apportioned between the different parts thereof in the proportion that the assessed valuation of the respective parts of such district, as shown by the assessment roll of 1916, bears to the total assessed valuation of the undivided district.

SEC. 15. For the purpose of effecting the apportionment of indebtedness and division of property provided in Subdivision 4 of Section 13 and in Section 14, the following procedure is prescribed:

The Board of County Commissioners of Blaine County and the Board of County Commissioners of Butte County, within Ten (10) days after the latter shall have qualified, shall each meet at their respective county seats and each appoint a competent accountant. The accountants so appointed shall constitute a board of auditors and appraisers, and shall, within five (5) days after their appointment, meet at the Village of Hailey, Idaho, in Blaine County, and, after taking the usual oath of office and filing the same with the Recorder of said

Blaine County and a duplicate thereof with the Recorder of said Butte County, shall then and there proceed to examine the county records of Blaine County and make a full statement and report of all matters and things necessary or proper to be ascertained, audited, appraised and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of said indebtedness and the division of said property, as of the date of the taking effect of this Act, with their conclusions as to the amounts due from one county to the other upon such settlement of said date.

The said statement and report shall be made in duplicate and certified, and one copy thereof filed with the clerk of the board of county commissioners of each of said counties. When so made and filed, said appraisalment, report, apportionment, and statement shall be final and binding upon both and each of said Counties of Blaine and Butte and the respective subdivisions thereof.

Said statement and report shall include, among other things, the following items, to-wit:

First. The total assessed valuation of all taxable property within each of said counties as shown by the assessment rolls of Blaine County for the year 1916, and the ratio which the amount of such property within each county bears to the whole of said assessment roll.

Second. The amount of all general funds of Blaine County in the possession or under the control of the County Treasurer of Blaine County at the time of the taking effect of this Act, including all current expense and road and bridge funds, but not including any sinking fund or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said county; and the apportionment thereof between the Counties of Blaine and Butte according to the ratio of taxable property in each of the said counties established as hereinbefore provided.

Third. An appraisal of all public property, real, personal and mixed, belonging to Blaine County at the time of the taking effect of this Act, not hereinbefore specifically apportioned, other than the moneys and funds elsewhere in this Section referred to.

Fourth. The whole amount of the indebtedness, other than

bonded, of Blaine County, for which said county as a whole was liable at the time of the taking effect of this Act.

Fifth. An apportionment of the public property and indebtedness other than bonded indebtedness, as determined under the third and fourth clauses of this Section, between the Counties of Butte and Blaine according to the ratio of taxable property established as hereinbefore provided, charging said Butte County with its pro rata share of the indebtedness of Blaine County as it existed at the time of the taking effect of this Act and with Blaine County's pro rata share of any public property within the boundaries of Butte County, and crediting said Butte County with its pro rata share of any public property apportioned under this Section, remaining within the boundaries of Blaine County, and a statement of the balance found to be due from one of said counties to the other under such apportionment.

Sixth. The whole amount of the bonded indebtedness of Blaine County, for which said county was liable at the time of the taking effect of this Act, after deducting therefrom any funds then on hand in the treasury of said county provided for the redemption thereof or the payment of interest thereon, and an apportionment thereof between the said counties of Blaine and Butte according to the ratio of taxable property, as hereinbefore provided.

Seventh. The amount of taxable property in the respective portions of any road districts divided by the creation of Butte County, as shown by the assessment rolls of Blaine County for the year 1916, and the ratio which the amount of said property in that portion of any such district included within the boundaries of Butte County bears to the amount of taxable property in that portion of such district remaining in Blaine County; the amount of the indebtedness and property of any such divided road district and an apportionment thereof to the different parts in the ratio so determined.

Eighth. The amount of all moneys and funds in the possession or under the control of the County Treasurer of Blaine County, at the time of the taking effect of this Act, belonging to any school or road district or to any town, village or other municipal corporation included within the boundaries of Butte County, and the portion of any such moneys and funds belonging to any road district divided by the creation of Butte

County to which the segregated portion of such district is entitled according to the ratio established under the last preceding clause of this Section.

Ninth. The amount of all moneys in the general school fund of Blaine County in the possession or under the control of the treasurer of said county at the time of the taking effect of this Act, and the portion thereof to which the school districts included within the boundaries of Butte County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made.

Tenth. A general summary of the matters and things determined by said accountants as hereinbefore specified, and a report of all other matters necessary or proper to make a full and satisfactory adjustment and settlement between said counties.

In the event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a third competent accountant to assist them, and if they cannot agree upon such third accountant, the Governor of Idaho shall, at the request of either of said accountants, appoint a disinterested citizen who shall be neither a resident of nor an owner of taxable property in either of said counties, to assist them, which third accountant, after taking the same oath of office, shall act with such accountants, and the statement and report of a majority of such board of three thus constituted, when filed as above provided, shall have the same force and effect and shall be as final and decisive as though made by the accountants originally designated.

Such accountants so appointed, as aforesaid, shall be paid a reasonable compensation for their services rendered, to be audited, allowed and paid by their respective counties. And in case a third accountant be appointed, as herein provided, his compensation shall be audited, allowed and paid by the board of county commissioners of said counties equally.

The indebtedness of Jefferson County shall be apportioned and its property divided between Jefferson County and Butte County by a board of accountants, to be appointed by the county commissioners of said counties respectively, who shall be appointed and shall qualify, investigate, report and be

paid therefor all in the same manner and with like effect for said counties as is hereinabove provided for the apportionment and division of the indebtedness and property between Blaine and Butte Counties; and the indebtedness of Bingham County shall be apportioned and its property divided between Bingham County and Butte County by a board of accountants to be appointed by the county commissioners of said counties, respectively, who shall be appointed and shall qualify, investigate, report and be paid therefor all in the same manner and with like effect for said counties as is hereinabove provided for the apportionment and division of the indebtedness and property between Blaine and Butte Counties.

SEC. 16. For whatever amount other than the bonded indebtedness of Blaine, Jefferson and Bingham Counties, respectively, found to be due from either of said counties to Butte County, or vice versa, upon the apportionment of the public funds and property made by said accountants as hereinbefore provided, the boards of county commissioners of the debtor counties shall at their first regular meeting after the filing of the said statement and report cause county warrants to be drawn by the auditors of such counties, respectively, for the amounts so due, payable to the creditor counties, respectively, which said warrants shall draw interest at the rate of seven per cent. per annum from the date of the taking effect of this Act until paid, and shall be delivered to the proper officers of the creditor counties, respectively; the amount of the bonded indebtedness of Blaine, Jefferson and Bingham Counties, respectively, which shall be apportioned by the said accountants to Butte County, shall be a valid and existing debt and obligation of Butte County, and the county commissioners of Butte County shall make provision for the payment of any such bonded indebtedness as apportioned to it, both principal and interest, as it becomes due by levying taxes at the time fixed by law for so doing and in the same manner as the County Commissioners of Blaine, Jefferson or Bingham Counties, respectively, should or could have done had this Act not been passed; and such taxes when levied and collected by the proper officers of Butte County shall be immediately paid by the Tax Collector of Butte County to the County Treasurer of Blaine, Jefferson or Bingham Counties, as the case may be, who shall give a proper receipt therefor, and such money so

paid shall be applied to the payment of the indebtedness for which it was levied and collected by Butte County.

Real property or any interest therein, including tax sale certificates or delinquency certificates, acquired by the former Counties of Blaine, Jefferson and Bingham, respectively, by virtue of tax proceedings, shall vest in the county in which said property is situated, as herein defined.

SEC. 17. As soon as practicable after the passing of this Act, the County Recorders of Blaine, Jefferson and Bingham Counties, respectively, under instructions from the Commissioners of Butte County, shall transcribe from the records of their office into permanent records, the blanks therefor to be furnished by the Commissioners of Butte County, all instruments, papers and other matters and things relating to or affecting property in the territory included in Butte County. When any of said records are completed, said county recorders shall certify therein as to the identity and correctness of said record and deliver same into the possession of the County Recorder of Butte County. Said records when so prepared and certified shall be official records of Butte County as to all property, matters and things to which they refer or which they affect, and shall have the same force and effect as the originals.

SEC. 18. The Tax Collectors of Blaine, Jefferson and Bingham Counties, respectively, shall, immediately upon the taking effect of this Act proceed to make and certify a copy of the tax rolls of their offices so far as they show the unpaid taxes against any persons, firms, associations, corporations and property in the territory included in Butte County; and as soon as completed shall deliver said copies to the Tax Collector of Butte County. Said copies of tax rolls shall be official records of Butte County with the same force and effect as the originals thereof, and shall be authority for the Tax Collector of Butte County to collect unpaid taxes in any manner authorized by law.

The County Assessors of Blaine, Jefferson and Bingham Counties, respectively, shall each complete the real property assessment roll for the year 1917 separately on all property properly taxable on said roll within the portions of their counties as heretofore existing, which are included within the boundaries of Butte County, and shall file the same in the

form required by law with the Clerk of the Board of County Commissioners of Butte County on or before the fourth Monday in June, 1917; and said assessment rolls from said assessors, together, shall constitute the real property assessment roll for 1917 of Butte County.

The said assessors shall each deliver to the Assessor of Butte County, immediately upon his qualification, a full and complete statement of all personal property taxes collected by them for the year 1917 upon property located within the territory of Butte County, and of all migratory live stock assessed by them in said territory for said year, together with all securities received by them for the payment of any such taxes, all in the form provided for by law for the personal property assessment rolls, and properly certified by them; and the Assessor of Butte County shall proceed to complete the personal property assessment roll for Butte County and file the same as provided by law, including therein the data so furnished him by said other assessors.

Butte County shall make reasonable compensation to said other counties for the expenses of such assessment by the assessors of such counties of property within the territory of Butte County.

SEC. 19. All of the records, instruments, documents, maps, plats, tax sale certificates or delinquency certificates or other papers in the possession of any officer of Blaine, Jefferson or Bingham Counties, respectively, which relate wholly to and cover property located entirely within Butte County, shall be certified to by the officers of said Blaine, Jefferson and Bingham Counties, respectively, in whose possession they now are, and by them turned over to the proper officers of Butte County without being transcribed, and shall be a part of the public records of said Butte County.

SEC. 20. The County Treasurers of Blaine, Jefferson and Bingham Counties, respectively, shall, as soon as the County Treasurer of Butte County is qualified to act, pay over to the County Treasurer of Butte County all school money and road money or other funds in their hands belonging to the school or road districts or fractions thereof in Butte County which have come into their possession or control from taxes or other revenues collected up to the time of the taking effect of this Act; and shall also pay to the municipal corporations in

said Butte County all funds in their hands belonging to such corporations; and shall pay over to the County Treasurer of Butte County all money theretofore collected upon personal property situated within the territory comprising Butte County as taxes for the year 1917 by the assessors of said counties.

Any funds coming into the hands of the Treasurers of said Blaine, Jefferson or Bingham Counties, respectively, after the taking effect of this Act, from any source, properly belonging to Butte County or any of the subdivisions thereof, shall likewise be turned over to the Treasurer of Butte County.

SEC. 21. All actions and proceedings pending in the District Court of Blaine, Jefferson or Bingham Counties at the time of the taking effect of this Act which should have been brought in Butte County had it existed at the time said actions or proceedings were commenced, shall be transferred to Butte County upon the application of any party thereto, or his attorney.

Upon the written application of any party interested in any such action or proceeding, or his attorney, the court, or a judge thereof at chambers, shall sign, in duplicate, an order directing the transfer of the action or proceeding, one of which orders shall be filed with the Clerk of the District Court of Butte County and the other with the clerk of the district court of the county where such action has been theretofore pending.

Upon the filing with him of said order for transfer, the Clerk of the District Court of Blaine, Jefferson or Bingham Counties, as the case may be, shall immediately transmit to the Clerk of the District Court of Butte County all the pleadings and other papers belonging to the files in such action and shall make out and enclose therewith a transcript of all the record entries of the proceedings and orders had and entered in said case, with an itemized statement of all costs or fees taxed or claimed therein, and shall send therewith his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the papers and record entries so transmitted comprise all the pleadings, orders and proceedings in relation to said action or proceeding.

Upon receipt by him of the papers in the actions so transferred, the Clerk of the District Court of Butte County shall file same and docket said case in the same manner as though

it had been originally commenced in his county, and shall charge no fee therefor; but in all filings and proceedings subsequent thereto he shall charge and collect the fees provided for by the general laws of the State of Idaho.

SEC. 22. As soon as practicable after the taking effect of this Act, the Clerks of the District Courts of Blaine, Jefferson and Bingham Counties, respectively, shall transmit to the Clerk of the District Court of Butte County the judgment rolls and all other papers belonging to the files in all actions and proceedings in their respective courts wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Butte County, together with his certificate specifying and identifying said judgment roll and papers. Where said real estate, water rights or mining interests lie partly in Butte and partly in Blaine, Jefferson or Bingham Counties, the Clerk of the District Court of Blaine, Jefferson or Bingham Counties, as the case may be, shall make and transmit to the Clerk of the District Court of Butte County duly certified copies of the judgment rolls on file in such actions or proceedings. For the making of such transcripts said clerks shall receive a reasonable compensation to be paid by the County Commissioners of Butte County.

Upon receipt by him of said papers and transcripts, the Clerk of the District Court of Butte County shall file and index the same, and upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office the orders, decrees, judgments and other proceedings so entered in Blaine County as shown by the transcript thereof, which shall in all cases have the same validity and effect as the originals.

SEC. 23. Upon the taking effect of this Act the Clerks of the District Courts of Blaine, Jefferson and Bingham Counties, respectively, shall prepare a list and statement of all judgments for the payment of money entered or filed in their offices affecting persons or property in Butte County that are unsatisfied and not barred by the statute of limitations at the time this Act takes effect, which shall show the names of the parties to each suit, the judgment defendants, the dates and amounts of the several judgments with the rate of interest each bears and the amount of all costs incurred in each, and shall

certify the same to the Clerk of the District Court of Butte County. Said last named clerk, upon receipt of such list and statements, shall make a record of such judgment in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Butte County, and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed, and shall have the same force, effect and validity as though originally entered in Butte County.

SEC. 24. The Probate Judges of Blaine, Jefferson and Bingham Counties, respectively, shall each, upon the qualification of the Probate Judge of Butte County, transfer all pending civil and criminal actions, probate and other proceedings and business pertaining to their offices and properly belonging to Butte County, to the Probate Judge of Butte County, and shall transmit therewith all pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, proceedings or matters with certified transcripts of all record entries therein; and the procedure prescribed in this Act relating to the transfer of actions in the district court shall, as far as applicable, govern transfers in the probate court except that such transfers shall be made without any application therefor being required.

SEC. 25. The public administrators of Blaine, Jefferson and Bingham Counties, respectively, shall deliver to the public administrator of Butte County, upon his qualification, all moneys, funds, property, papers and other matters and things in his possession or under his control as administrator of any estate transferred under the last preceding section of this Act, and shall thereupon make and file a full account and report of his administration to the date of such transfer, and thereafter the public administrator of Butte County shall take charge of such estate or estates and proceed with the administration thereof.

SEC. 26. The actual cost of transcribing all records herein required to be transcribed shall be paid by Butte County at a price to be agreed upon between the County Commissioners of Butte County and the County Officers, respectively, required to transcribe same; and if such agreement cannot be reached

within a reasonable time after the date upon which the Commissioners of Butte County shall first meet, as hereinbefore provided, the said officers having the duty to so transcribe such records shall, upon demand of the county commissioners of Butte County, let the contract for transcribing such records to the lowest responsible bidder, after notice, to be given by publication in at least two (2) consecutive issues of a weekly newspaper published at the county seat of Blaine, Jefferson or Bingham Counties, as the case may be.

SEC. 27. All the papers, files, statements, transcripts and other records, matters and things transferred from Blaine, Jefferson and Bingham Counties, or any of the officers thereof, to Butte County, or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared to be a part of the legal and official records of Butte County to the same extent and effect as the originals thereof, and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 28. All laws of the State of Idaho of general nature, applicable to the several counties of this State and the officers thereof, are hereby made applicable to the County of Butte.

SEC. 29. All acts and parts of acts inconsistent with this Act are hereby repealed insofar as they conflict with the provisions of this Act.

Approved February 6, 1917.

CHAPTER 99.

(S. B. No. 25.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF VALLEY, AND DEFINING THE BOUNDARIES OF SAID VALLEY, BOISE AND IDAHO COUNTIES AFTER SAID COUNTY OF VALLEY HAS BEEN CREATED: TO PROVIDE FOR THE LOCATION OF THE TEMPORARY COUNTY SEAT OF SAID VALLEY COUNTY AND TO PROVIDE FOR THE PERMANENT LOCATION OF THE COUNTY SEAT THEREOF, TO BE DETERMINED AT THE GENERAL ELECTION IN 1918: TO CLASSIFY SAID COUNTY: TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF BOISE AND IDAHO COUNTIES BETWEEN SAID BOISE, IDAHO AND VALLEY COUNTIES: TO PROVIDE FOR THE APPOINTMENT OF OFFICERS IN SAID VALLEY COUNTY AND FOR THE

TRANSCRIPTION OF THAT PORTION OF THE RECORDS PERTAINING TO PERSONS AND PROPERTY OF BOISE COUNTY EMBRACED WITHIN SAID PROPOSED VALLEY COUNTY, AND THE TRANSCRIPTION OF THAT PORTION OF THE RECORDS PERTAINING TO THE PERSONS AND PROPERTY OF IDAHO COUNTY EMBRACED WITHIN SAID PROPOSED VALLEY COUNTY: TO CONSTITUTE THE PROPOSED COUNTY OF VALLEY A PART OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO AND A SENATORIAL DISTRICT OF THE STATE OF IDAHO, AND FOR OTHER PURPOSES: REPEALING ALL ACTS AND PORTIONS OF ACTS IN CONFLICT HEREWITH:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be and there is hereby created and formed out of the Northern part of Boise county in the State of Idaho and the Southern part of Idaho County, in the State of Idaho, a new county to be called Valley County, to be organized as hereinafter provided in this Act.

SEC. 2. All that portion of the State of Idaho, included within the following boundaries, to-wit:

Beginning at the S. W. corner of Sec. 34, T. 10 N. R. 2 E., B. M. on the 2nd. Standard Parallel North, thence East along the said 2nd. Standard Parallel, five miles to the center of the North Fork of Payette River; thence northerly along the river to the intersection with the line between Townships 10 and 11 North; thence East to the ridge dividing the waters of the Salmon and Payette rivers; thence northeasterly along the said ridge and along the ridge dividing Bear Valley Creek and Cape Horn Creek, to the head of the Middle Fork of the Salmon River; thence northerly along the said river to the intersection of the 5th Standard Parallel North; thence West to the divide separating the waters of the Salmon and Payette rivers; thence westerly and southerly along the said divide and the divide between Payette and Weiser rivers to the line between townships 13 and 14 North; thence East to the S. W. corner of Tp. 14 N., R. 3. E.; thence South 12 miles to the S. W. corner of T. 12 N., R. 3. E.; thence West 3 miles to the N. W. corner of Sec. 3, Tp. 11 N.; R. 2 E.; thence South 12 miles to the place of beginning, shall constitute the County of Valley.

SEC. 3. That all portions of Boise County within the State of Idaho, not embraced within the boundaries of the proposed County of Valley, as defined in Section 2 of this Act, shall

remain and constitute the County of Boise, and all that portion of Idaho County within the State of Idaho, not embraced within the boundaries of the proposed County of Valley, as defined in Section 2 of this Act, shall remain and constitute the County of Idaho, until otherwise provided by law.

SEC. 4. The Governor of the State of Idaho is hereby authorized and directed within ten days after this Act shall take effect to nominate and appoint for the County of Valley the following officers, to-wit:

Three County Commissioners; one Sheriff; one Clerk of the District Court, who shall be ex-officio Auditor and Recorder and Clerk of the Board of County Commissioners; one County Treasurer who shall be ex-officio County Tax Collector; one County Assessor; one Coroner; one Surveyor; one Probate Judge; one Superintendent of Public Instruction and one Prosecuting Attorney. The Recorder shall first qualify and the other officers so appointed shall immediately thereafter qualify, in the manner now provided by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices and discharge the duties thereof until their successors are elected and have qualified, as is or may hereafter be provided by law. And the territory of the said Valley County, for judicial purposes and the enforcement of the law against crime shall be deemed to belong to the territory of the respective counties of Boise and Idaho, until the officers of the proposed County of Valley have been appointed and qualified, as hereinbefore provided.

SEC. 5. The temporary county seat of said Valley County shall be located in the townsite of Cascade, at Cascade in said county and at the general election to be held in 1918, the County Commissioners of said Valley County must submit the question of location of the county seat to the voters of said county, and the place in said county receiving the highest number of votes for the county seat is hereby declared to be the permanent county seat of said county. And it shall be the duty of the Auditor of said Valley County to cause to be printed separate ballots at the same time, and in the same manner as ballots for the general election are printed.

Such separate ballots shall be three inches square, or as near this size as practicable, and on one side there shall be printed the following words: "For-----"

as the permanent County Seat of Valley County;" and the Auditor shall send an equal number of these special ballots with the ballots furnished for the general election to each voting precinct of Valley County at the same time.

SEC. 6. For the purpose of fixing the annual salaries of the County Commissioners, said County of Valley is hereby designated a county of the second class. The County Commissioners of said proposed County of Valley shall provide suitable offices and places at the county seat of said County of Valley, to be chosen as aforesaid, for the accommodation and safe keeping of the papers, files, records and other personal property belonging to the said county, or connected with any of the offices therein, and for the proper use of the county officers of said county and for the holding of the District Court therein.

SEC. 7. The county commissioners of said Valley County shall within 5 days after their qualification meet at the county seat in said county of Valley and organize for the transaction of county business, and shall at such meeting, divide said county into three commissioners districts, and shall establish precincts for said county, and appoint officers thereof who shall hold their respective offices from the time of their qualification until their successors are elected and qualified; *Provided, however*, that where at the general election of the year 1916, officers were elected in precincts as heretofore established in said territory comprising said Valley County, while the same was a part of Boise and Idaho Counties, such officers shall continue in office for such part or all of their respective precincts, as said board of county commissioners may prescribe during the full term for which they were elected.

SEC. 8. Within ten days after the qualification of the county commissioners of Valley County the Board of county commissioners of said county and of the County of Boise respectively, shall meet at their respective county seats, and each of said boards shall appoint a competent accountant; such accountants shall constitute an auditing board, and board of appraisers and shall within 5 days after their appointment, meet at the City of Idaho City, in said Boise County, and after taking the usual oath of office and filing the same with the Recorder of said Boise County, and a duplicate thereof with

the Recorder of said proposed Valley County, shall then and there proceed to examine the county records of Boise County, and make a full statement and report of all matters and things necessary or proper to be ascertained, audited and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of all indebtedness, public property and funds of said Valley County, with their conclusions as to the amounts due from one county to the other upon such adjustment, which report and statement shall include the following items, to-wit: First: The total assessed valuation of all taxable property within each of said counties as shown by the assessment roll of Boise County for the year 1916, and ratio which the amount of such property within the boundaries of Valley County bears to the amount of taxable property remaining in Boise County. Second: The amount of taxable property in the respective portions of any school or road district divided by the creation of Valley County, as shown by the assessment roll of Boise County for the year 1916, and the ratio which the amount of said property in that portion of any such district included within the boundaries of Valley County bears to the amount of taxable property in that portion of such district remaining in Boise County. Third: The amount of all moneys and funds in the possession or under the control of the County Treasurer of Boise County, at the time of the passage and approval of this Act, belonging to any school or road district, or to any town, village, or other municipal corporation included within the boundaries of Valley County, and the portion of any such moneys and funds belonging to any school or road district by the creation of Valley County, to which the segregated portion of such district is entitled according to the ratio established under the last preceding clause of this Section. Fourth: The amount of all moneys in the general school fund of Boise County, and in the possession or under the control of the Treasurer of said county, at the time of the passage and approval of this Act, and the portion thereof to which the school districts included within the boundaries of Valley County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made, and also the portion of any such fund to which the segregated portion of any school district divided by the creation of Valley County would

be entitled according to the ratio established under the second clause of this Section. Fifth: The amount of all general funds of Boise County in the possession of or under the control of the Treasurer of Boise County at the time of the passage and approval of this Act, including all current expense and road and bridge funds, but not including any sinking funds or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said county, and the apportionment thereof between the Counties of Valley and Boise according to the ratio of taxable property in each of said counties established as hereinabove provided. Sixth: An appraisal of all public property belonging to Valley County at the time this Act becomes operative, including real estate and improvements thereon, furniture and fixtures, and all other public property of said county, not including roads or bridges or the moneys and funds elsewhere in this section referred to. In making such appraisal such accountants and appraisers shall consider the cost of county buildings and other property and allow for subsequent wear and depreciation thereof, and determine the present value thereof to the county. Seventh: The whole amount of the indebtedness of Boise County for which said county as a whole was liable at the time this Act takes effect, including all outstanding bonds and warrants and judgments, if any, after deducting from any such indebtedness any funds then on hand in the Treasury of said county for the redemption thereof, or payment of interest thereof. Eighth: An apportionment of the public property and indebtedness, as determined under the sixth and seventh clauses of this Section, between the Counties of Valley and Boise, according to the ratio of taxable property established as hereinbefore provided, charging said Valley County with its pro rata share of the indebtedness of Boise County as it existed at the time that this Act becomes operative, and with Boise County's pro rata share of any public property, within the boundaries of Valley County, and crediting said Valley County with its pro rata share of all public property remaining within the boundaries of Boise County, and a statement of the balance found to be due from one of said counties to the other under such apportionment. Ninth: A general summary of the matters and things determined by said accountants as hereinbefore specified, and of all other matters necessary or proper to be ascertained and reported upon in order to make a full and satisfactory ad-

justment and settlement between said counties. Said accountants shall certify to their statements, reports, conclusions in duplicate and shall file one of such duplicates with the Board of County Commissioners of each of said counties. If the said accountants and appraisers cannot agree as to the value of the county's property, and the other things to be determined by them, the Governor of Idaho shall, at the request of either of said accountants, appoint one disinterested citizen who shall be neither a resident of nor an owner of taxable property in either of said counties, who after taking the same oath of office, shall act with such accountants and the concurrence of a majority of such board of three thus constituted shall be decisive and control. Either of said counties may, if dissatisfied with the statements, reports and conclusions of said accountants, appeal to the District Court of the Third Judicial District in and for the County of Valley. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in event of a third accountant being employed, one-half of his compensation shall be paid by each of the said counties.

SEC. 9. Within ten days after the qualification of the County Commissioners of Valley County, the Board of County Commissioners of Valley County, the Board of County Commissioners of said county and of the County of Idaho respectively, shall meet at their respective county seats, and each of said boards shall appoint a competent accountant. Such accountants shall constitute an auditing board and board of appraisers, and shall within five days after their appointment, meet at Grangeville in said Idaho County, and after taking the usual oath of office and filing the same with the Recorder of said Idaho County, and a duplicate thereof with the Recorder of said Valley County, shall then and there proceed to examine the county records of Idaho County, and make a full statement and report of all matters and things necessary or proper to be ascertained, audited and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of all indebtedness, public property and funds of said Valley County, with their conclusions as to the amounts due from one county to the other upon such adjustment, which report and statement shall include and set forth all of the

statements and facts with relation to said Valley County and Idaho County as are required by the first to the ninth subdivision of Section 8 of this Act with relation to Valley County and Boise County.

Said accountants shall certify to their statements, reports and conclusions in duplicate and shall file one of such duplicates with the Board of County Commissioners of each of said counties. If the said accountants and appraisers cannot agree as to the value of the county's property, and the other things to be determined by them, the Governor of Idaho shall, at the request of either of said accountants, appoint one disinterested citizen, who shall be neither a resident of nor an owner of taxable property in either of said counties, who, after taking the same oath of office, shall act with such accountants, and the concurrence of a majority of such board of three thus constituted shall be decisive and control. Either of said counties may if dissatisfied with the statements, reports and conclusions of said accountants, appeal to the district court of the Third Judicial District in and for the County of Valley. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the County making his appointment, and in event of a third accountant being employed, one-half of his compensation shall be paid by each of said Counties.

SEC. 10. For whatever amount is found to be due from either of said Counties to the other upon the apportionment of the public funds and property made by said accountants, as hereinbefore provided, the Board of County Commissioners of the debtor county shall cause county warrants to be drawn by the Auditor of such county for the amount so due payable to the creditor county, which said warrants shall draw interest at the rate of seven per cent per annum from the date thereof until paid, and shall be delivered to the proper officer of the creditor county.

As soon as practicable after this Act become effective the county recorders of Boise and Idaho Counties shall transcribe or cause to be transcribed from the records of their respective offices, in a neat and proper manner, and clearly written with pen and ink, or with a typewriter with indelible ink, into permanent records, all instruments, papers and other matters and things relating to or affecting property in the territory included in said County of Valley. When any of

said records are completed, said county recorder shall certify therein as to the identity and correctness of said records, and deliver the same into the possession of the county recorder of said Valley County. Said records, when so prepared and certified, shall be official records of said Valley County, as to all property, matters and things to which they refer or which they affect and shall have the same force and effect as the originals. The County commissioners of Valley County shall employ competent persons to prepare proper indexes for said new records, and the actual cost of such transcribing and indexing shall be audited and paid by the said County of Valley. Any of the records, instruments, documents, maps, plats, tax sale certificates, or other maps of Boise or Idaho Counties which relate wholly to and cover property located entirely in Valley County, shall be certified to by the officers of said Boise or Idaho Counties in whose proper possession they now are, and by them turned over to the proper officer of Valley County, without being transcribed, and shall be a part of the public records of said last named county.

SEC. 12. The County Assessors of Boise and Idaho Counties shall, immediately upon the taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of their respective offices, so far as they show the unpaid taxes against persons, firms, associations, corporations, and property within the territory included in the County of Valley, and as soon as completed, shall deliver said copy to the Assessor of Valley County. Said copies of the tax rolls shall be official records of said last named county with the same force and effect as the originals thereof, and the same shall be authority for the tax collector of said Valley County to collect said unpaid taxes in any manner authorized by law.

SEC. 13. The county treasurers of Boise and Idaho Counties shall, as soon as the county treasurer of Valley County is qualified to act, pay over to the county treasurer of said Valley County all school money in their hands belonging to the district schools, and independent school districts in Valley County, which had come into their possession or under their control, from taxes or other revenue collected up to the time of the taking effect of this Act, and shall also pay to the municipal corporations in Valley County all funds in their hands belonging to such municipal corporations.

SEC. 14. Said County of Valley shall be included in and form a part of the Third Judicial District of the State of Idaho, and the terms of the district court for said county shall be fixed by the judge of said court in the manner now provided by law for fixing terms of the district courts in this state and all actions and proceedings now pending in the district courts of Boise or Idaho Counties, the causes of which arose in the territory included in Valley County, and which should have been brought in said last named county had said county at that time existed, shall be transferred to said Valley County.

SEC. 15. Upon the written application of a party interested in any of said actions or proceedings, his agent or attorney, the judge of said District Court shall sign, in duplicate, an order directing the transfer of the actions or proceedings specified in said applications, one of which orders shall be filed with the clerk of the District Court of the County wherein the same is pending and one with the clerk of the District Court of Valley County.

SEC. 16. Upon the filing with them of any such order for such transfer, the clerks of the District Courts of Boise and Idaho Counties shall immediately transmit to the Clerk of the District Court of Valley County, all the pleadings and other papers belonging to the files and shall make out and include therewith a transcript of all the record entries of the proceedings and orders had and entered in said case, and an itemized statement of all costs and fees taxed or claimed therein and shall send with said files, transcript and statement their respective certificates specifying the several pleadings and other papers so transmitted, and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 17. Upon the receipt by him of the papers in the actions so transferred, the Clerk of the District Court of Valley County shall file the same and docket cases in the same manner as though they had been originally commenced in his county, and shall charge therefor no fee, but in all filings and proceedings subsequent thereto, he shall charge and collect the fees provided by law.

SEC. 18. Upon the request of a person interested in any action so transferred from said counties, his agent or attorney,

the Clerk of the District Court of Valley County shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said action, as shown by the said transcript thereof.

SEC. 19. As soon as practicable after the taking effect of this Act, the respective clerks of the district courts of Boise and Idaho Counties shall transmit to the Clerk of said Court of Valley County the pleadings and all other papers belonging to the files in all actions or proceedings in the District Court of their respective counties wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Valley County, with a certified transcript of all orders, decrees, judgments, and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate specifying and identifying said pleadings and papers. Where the said real estate, water rights, or mining interests lie partly in both Valley and Boise or Valley and Idaho Counties, the Clerk of the District Court of said County shall make and transmit to the Clerk of the District Court of Valley County, with the transcript of such orders, judgments, decrees, and other proceedings, duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office. For the making of such transcripts, said Clerk shall receive a reasonable compensation to be paid by Valley County.

SEC. 20. Upon receipt by him of the papers and transcripts mentioned in sections 18 and 19 of this Act, the Clerk of the District Court of Valley County shall file and index the same and upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office, the orders, decrees, judgments and other proceedings so entered in Boise and Idaho Counties as shown by the transcripts thereof.

SEC. 21. Upon the taking effect of this Act, the respective clerks of the District Courts of Boise and Idaho Counties shall prepare a list and statement of all the judgments for the payment of money entered or filed in their respective offices that are unsatisfied and not barred by the statute of limitation, which shall show the names of the parties to each suit, the judgment, defendants, the dates and amounts of the several

judgments, with the rate of interest each bears, and the amount of all costs accrued in each, and shall certify the same to the Clerk of said Court of Valley County. The Clerk of said last named County, upon receipt of such lists and statements, shall make record of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Valley County and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 22. The Probate Judges of Boise and Idaho Counties shall, upon the taking effect of this Act, transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to their offices, which came from the territory now embraced in the County of Valley, and properly belonging to said last named county, and shall transmit to the Probate Judge of Valley County, all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates or matters, with certified transcripts of all record entries therein; and the preceding section of this Act relating to the transfer of actions in the District Court shall, as far as applicable, govern transfers in the Probate Court, except that such transfers shall be made without any application therefor being required.

SEC. 23. That all of the papers, files, statements, transcripts, and other record matters and things transferred from Boise and Idaho Counties, or any of the offices thereof, to Valley County, or any of offices thereof, pursuant to the provisions of this Act, are hereby declared a part of the legal and official records of said last named county, to the same extent and effect as the originals thereof, shall be accepted and received in evidence the same as such originals without further proof.

SEC. 24. All laws of a general nature applicable to the several counties of this State and to the offices thereof, are hereby applied to the County of Valley and to all the officers who may be appointed or elected therein, except as otherwise provided in this Act.

SEC. 25. Until further provided by law, said County of

Valley shall constitute a senatorial district of the State of Idaho, and shall be entitled to elect one senator, and shall be entitled to elect one representative of the House of Representatives, until such time as the representation shall be fixed by a general apportionment act.

SEC. 26. All prisoners in the custody of Boise or Idaho County or any officer thereof, charged with an offense committed within the boundaries of Valley County, as established by this Act, shall, upon the qualification of the officers of Valley County, be delivered to the Sheriff of said County and tried therein; and all persons then on trial, charged with an offense committed within the boundaries of Valley County, shall, if indicted or informed against in Boise or Idaho County, or if they shall be indicted or informed against in Valley County, be tried in said Valley County.

SEC. 27. All acts and parts of acts inconsistent with this Act are hereby repealed, so far as they conflict with its provisions.

Approved February 26, 1917.

CHAPTER 100.

(H. B. No. 54.)

AN ACT

TO AMEND SECTION 1580, REVISED CODES OF IDAHO, AS AMENDED BY CHAPTER 91 OF THE SESSION LAWS OF IDAHO, 1913, AS THE SAME WAS AGAIN AMENDED BY CHAPTER 14 OF THE SESSION LAWS OF IDAHO, 1915, ENTITLED, "AN ACT TO AMEND SECTION 1580, REVISED CODES OF IDAHO, AS AMENDED BY CHAPTER 91 OF THE SESSION LAWS OF IDAHO, 1913, EXTENDING THE TIME OF PAYMENT ON EXISTING AND FUTURE CONTRACTS FOR THE PURCHASE OF STATE LANDS; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT; AND DECLARING AN EMERGENCY," AND ADDING SECTION 1580a TO THE SAME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1580, Revised Codes of Idaho, as amended by Chapter 91 of the Session Laws of Idaho, 1913, as the same was again amended by Chapter 14 of the Session Laws of Idaho, 1915, is hereby amended to read as follows:

Section 1580. All sales of State lands shall be held at the

State Capitol unless otherwise directed by the State Board of Land Commissioners. Any such sale held away from the State Capitol shall take place at the county seat of the county or of one of the counties in which such lands are situated unless otherwise directed by the board. Terms of payment shall be as follows: Timber lands and lands chiefly valuable for timber, cash on the day of sale; on all other lands, *except those mentioned in Section 1580a*, ten per cent of the purchase money on the day of sale and the balance in forty annual payments with interest at the rate of six per cent per annum on all deferred payments. The purchaser shall always have the right to make full payment with accrued interest at any time. Interest on deferred payments shall be payable annually in advance on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase. When the conditions hereinbefore prescribed have been complied with the State Board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments fall due and the amount thereof, and the amount and date of the several payments of interest to be made thereon. Such certificate shall be signed by the Governor and countersigned by the register and a record of the same kept by him in a suitable book. When, in the judgment of the Board, a bond by a purchaser of State lands is necessary, the State Board shall require such purchaser to give a bond upon such conditions as the said Board may determine. Whenever a purchaser of State lands shall have complied with all of the conditions of the sale, and paid all purchase money with the lawful interest thereon, he shall receive a deed for the land purchased. Such deed shall be signed by the Governor, and countersigned by the register and attested with the seal of the State Board of Land Commissioners, and said deed shall operate to convey to the purchaser a good and sufficient title in fee simple: *Provided*, That the State Land Board may, in its judgment and on the application of the purchaser, extend the time of payment on all State lands purchased prior to the time this Act takes effect in such manner as to distribute the remaining payments over a period which, when added to the period which shall have elapsed since the purchase was made, shall not exceed forty years in all. Inter-

est on all deferred payments to be at the rate of six per cent per annum except as provided in Section 1580a. All payments shall be made to the State Board of Land Commissioners.

SEC. 2. That a new section be hereby added to the Revised Codes of Idaho to be numbered and to read as follows:

Section 1580a. Whenever any State lands on which the standing timber shall have been sold and removed by the purchasers or their assigns shall be turned back to the State as stump lands, the State Land Board shall cause the same to be classified as soon thereafter as possible as agricultural and non-agricultural lands. When any of said lands so classified as agricultural lands shall be offered for sale the terms of sale on the same shall be as follows: Ten per cent of the purchase price in cash on the day of sale, interest to be paid annually in advance on the balance at the rate of two per cent per annum for the first five years after the date of sale and at the rate of four per cent per annum for the second five year period after the date of sale. Thereafter the balance of the principal due the State shall be divided into thirty equal annual payments with interest at the rate of six per cent per annum in advance on all deferred payments. The purchaser shall have the right to make payment in full with accrued interest at any time. The contracts and deeds for these lands are to be made in the same manner and under the same conditions as is prescribed for other State lands in Section 1580 of the Revised Codes of Idaho.

Approved February 28, 1917.

CHAPTER 101.

(H. B. No. 98.)

AN ACT

TO AMEND SECTION 1246 OF THE REVISED CODES OF THE STATE OF IDAHO, AS AMENDED BY CHAPTER 12 OF THE ACTS OF THE TWELFTH SESSION OF THE LEGISLATURE ENTITLED "AN ACT TO AMEND SECTION 1246 OF THE REVISED CODES OF THE STATE OF IDAHO, ETC.," APPROVED FEBRUARY 18TH, 1913, AND TO AMEND SECTIONS 1247, 1248, 1249, 1250, 1252, 1253 AND 1254 OF THE REVISED CODES OF THE STATE OF IDAHO RELATING TO THE INSPECTION OF BRANDS BEFORE SHIPMENT OF LIVESTOCK, BY PROVIDING FOR THE CREATION OF AN

OFFICER TO BE KNOWN AS BRAND INSPECTOR AND PROVIDING FOR THE QUALIFICATIONS AND DUTIES OF SUCH OFFICER AND DEPUTIES THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1246 of the Revised Codes of the State of Idaho, as amended by Chapter 12 of the acts of the Twelfth Session of the Legislature entitled "An Act to Amend Section 1246 of the Revised Code of the State of Idaho, Etc.," approved February 18th, 1913, be and the same is hereby amended to read as follows:

Section 1246. The board of county commissioners of each county shall, at its regular quarterly meeting in April of each year, appoint an experienced stockman who shall be designated as brand inspector of the county, who shall serve for one year next following his appointment. Such brand inspector shall take oath and shall give bond in the sum of \$1,000 conditioned on the faithful performance of his duties. It shall be the duty of such Brand Inspector to inspect carefully for marks and brands all cattle, horses, mules or asses about to be shipped. Said Brand Inspector shall have authority to appoint such deputy inspectors as may be necessary or convenient to assist said official in the performance of his duties within the county, said deputies to be likewise experienced stockmen. Every owner or shipper of cattle, horses, mules or asses desiring to ship the same shall, before doing so, give notice to the livestock inspector of the county in which the same are to be loaded stating the time when and the point where he expects to load the same, and the said livestock inspector or his deputy shall thereupon go to the shipping point and examine carefully the said animals for brands and marks and shall make an accurate record of the name of the shipper, name and residence of consignee, marks and brands found on said animal and number and kind and sex of animals in a book to be kept for that purpose, and if any of said animals are found to be branded with a brand not owned by said shipper, he shall be required to produce a bill of sale of said animal from the owner of the recorded brand or give other evidence of his ownership satisfactory to said inspector before he shall be permitted to ship the same. In case there are any animals in said shipment branded by any other brand than that owned by the shipper, said officer shall thereupon notify the owner of the recorded

brand, describing said animals and the name and residence of the proposed shipper.

SEC. 2. That Section 1247 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1247. In case the inspector or deputy inspector finds, after a careful examination, that said animals are owned by the shipper or that he is authorized to ship the same he shall issue a certificate stating the number of animals to be shipped and give a duplicate thereof to the railroad company. It shall be unlawful for any common carrier to transport the said animals or any of them out of the State without receiving said certificate, and any common carrier who violates the provision of this section shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined any sum not less than \$500.00 nor more than \$5,000.00 and shall be responsible in damages to any person injured, in treble the damages, costs and attorney's fees.

SEC. 3. That Section 1248 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1248. The Brand Inspector or Deputy Inspector shall receive from said shipper for such inspection the sum of \$2.00 for the first car so inspected and \$1.00 for each additional car, but not exceeding \$10.00 from any one shipper for any one shipment. He shall also receive from said shipper the sum of 10 cents per mile for each mile actually traveled in going to and coming from such shipping point.

SEC. 4. That Section 1249 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1249. Anyone desiring to remove or drive any horses, mules or cattle from the boundaries of this State by any means other than by rail shall, before doing so, apply to the Brand Inspector within the county bordering on such state to which said animals are to be driven to inspect the same for marks and brands, and on such application (or without said application if said officer have knowledge of such removal) said Brand Inspector shall immediately inspect said animals for brands and marks and keep an accurate record of the same with the name and residence of owner or shipper

and name, sex and kind of animals. For said inspection he shall receive the sum of \$5.00 per day and a mileage at the rate of 10 cents per mile, from the owner or shipper. If said inspector find that the animals have brands that are not owned by the person claiming the same, then such person shall be required to produce a bill of sale or other satisfactory evidence of ownership. Upon such proof he shall give the person a certificate stating the number and kind of animals and their marks and brands, and thereupon the said person shall be permitted to drive said animals from this State. But otherwise he shall not be so permitted, and in case said person shall, without said certificate, drive the same from this State he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$300.00 or be imprisoned in the county jail not exceeding six months, or be punished by both such fine and imprisonment.

SEC. 5. That Section 1250 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1250. In case of a vacancy in the office of Brand Inspector, then the justice of peace or the constable of the precinct in which such animals are about to be loaded or in the precinct bordering on the state into which such animals are about to be removed, in case they are not to be shipped by rail, shall perform all the duties of the Brand Inspector, and his acts shall have the same force and effect as if said Inspector had performed the same.

SEC. 6. That Section 1252 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1252. The brand book kept by said Brand Inspector or Deputy Inspector shall be open to the inspection of the public and shall be prima facie evidence of the facts recited therein in any of the courts of this State.

SEC. 7. That Section 1253 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1253. Any person who knowingly offers for shipment any of the animals enumerated in Section 1246 not his own or without the authority of the owner shall be deemed guilty of a misdemeanor.

SEC. 8. That Section 1254 of the Revised Codes of the State of Idaho be and the same is hereby amended to read as follows:

Section 1254. If said Brand Inspector or the constable or justice of peace, when acting in lieu of such Inspector, shall wilfully and negligently fail to perform any of the duties herein devolved upon him he shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined in any sum not exceeding \$300.00 or imprisoned in the county jail not exceeding six months, or be punished by both such fine and imprisonment.

Approved February 27, 1917.

CHAPTER 102.

(H. B. No. 26.)

AN ACT

AUTHORIZING A BOUNTY ON PRAIRIE OR POCKET GOPHERS, GREY GOPHERS, GROUND SQUIRRELS, PRAIRIE DOGS AND PRAIRIE SQUIRRELS; AUTHORIZING A LEVY FOR SAID PURPOSE AND PROVIDING FOR THE ADMINISTRATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The live stock sanitary board of the State of Idaho is hereby authorized and directed to allow and pay a bounty, not to exceed two (2) cents per head on each of the following animals killed within the State of Idaho: Prairie or Pocket Gopher, Grey Gopher, Ground Squirrel, Prairie Dog and Prairie Squirrel.

SEC. 2. Said board shall make adequate rules as to proof that shall be required before bounty may be claimed, and in carrying out the provisions of this Act shall employ the same organization now used by it in paying bounty on other animals. All bills herein authorized shall take the same course as is required of bounty claims for such other animals.

SEC. 3. To provide a fund for carrying out the provisions of this Act, a levy of one-tenth (1-10) of a mill on each dollar of taxable property of the State of Idaho is hereby authorized, which fund, when collected, shall be deposited in the State Treasury under a specific designation, is hereby appro-

priated and shall be exclusively devoted to the purposes herein stated.

Approved February 28, 1917.

CHAPTER 103.

(H. B. No. 30.)

AN ACT

TO AMEND SECTION 16, CHAPTER 190, SESSION LAWS 1911, REGULATING AND GOVERNING CREAMERIES, DAIRIES, MILKMEN AND DAIRYMEN, AND THE KEEPING, SUPPLY AND SALE OF MILK, BUTTER AND MILK PRODUCTS; PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 16, Chapter 190, Session Laws 1911, be and the same is hereby amended to read as follows:

Section 16. No milk or cream shall be sold or dispensed as food from any house, store, shop, dairy or other place in which there is a case of contagious or infectious disease, as aforesaid, until all danger of contagion has been removed, and permission in writing is obtained from the local health officer authorizing the sale of milk or cream, from said house, shop, or from said dairy, or other place.

The existence of Smallpox, Typhoid Fever, Diphtheria, Scarlet Fever, Measles or other communicable diseases on or in the immediate vicinity of the dairy farm shall be promptly reported to the county health officer and by him to the State Board of Health, and the sale of milk shall be stopped until its resumption is authorized as provided by law.

Approved February 28, 1917.

CHAPTER 104.

(H. B. No. 70.)

AN ACT

TO AMEND CHAPTER 5 OF THE REVISED CODES OF THE STATE OF IDAHO BY AMENDING SECTIONS 1619, 1621 AND 1623.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Sections 1619, 1621 and 1623, Chapter 5 of

the Revised Codes of the State of Idaho be amended to read as follows:

Section 1619. On receipt of the report of the State Engineer the register shall place the request and proposal with the Engineer's report thereon before the board for its consideration. It shall be the duty of the board to satisfy itself as to the financial ability of the applicant to do the things which will be required to be done in the event the application is approved. In case of approval, the board shall instruct the register to file in the local land office a request for the withdrawal of the land described in said proposal. No request on which the State Engineer has reported adversely, either as to the water supply, the feasibility of the construction, the cost or capacity of the works or as to the character of the lands sought to be irrigated, shall be approved by the board.

Section 1621. Upon the withdrawal of the land by the Department of the Interior it shall be the duty of the board to enter into a contract with the parties submitting the proposal, which contract shall contain complete specifications of the location, dimensions, character and estimated cost of the proposed ditch, canal or other irrigation works, the amount of water per acre which said works will make available at the water user's headgate, the price and terms per acre at which such works and perpetual water rights shall be sold to settlers and the price and terms upon which the State is to dispose of the lands to settlers. This contract shall not be entered into on the part of the State until the withdrawal of the lands by the Department of the Interior and the filing of a satisfactory bond on the part of the proposed contractor, which bond shall be in a penal sum equal to five per cent of the estimated cost of the works, and shall be conditioned for the faithful performance of the provisions of the contract with the State.

Section 1623. Upon the failure of any parties having contracts with the State for the reclamation of lands segregated under the Carey Act to commence the construction of such ditches, canals or other irrigation works within the time specified by the contract or to perform all of the requirements of said contract within the time specified in said contract with the State to the satisfaction of the State Board of Land Commissioners, it shall be the duty of the Reg-

ister to give such parties written notice of such failure, and if, after a period of sixty days from the sending of such notice, they shall have failed to proceed with the work or to conform to the provisions of their contract with the State, the bond and contract of such parties and all works constructed thereunder shall be at once and thereby forfeited to the State; and it shall be the duty of the Board at once so to declare and give notice once each week for a period of four weeks in some newspaper of general circulation in the county in which the work is situated and in one newspaper at the State Capital in like manner and for a like period of the forfeiture of said contract, and that upon a fixed day proposals will be received at the office of the board in the Capitol at Boise City for the purchase of ditches, canals, other irrigation works, water rights and all other rights, privileges and benefits obtained under the provisions of the said contract and for the performance of the provisions of said contract with the State. The time for receiving said bids shall be at least sixty days subsequent to the issuing of the last notice of forfeiture. Upon the request of any bidder the board shall specify in particular the needful things to be done in order to accomplish the substantial and satisfactory performance of said contract, and the board may require good and sufficient bond for such performance before confirming such sale. The money received by the board from the sale under the provisions of this section shall first be applied to the expenses incurred by the State in their forfeiture and disposal and to satisfying the bond, and the surplus, if any exists, shall be paid to the original contractors with the State.

Approved February 28, 1917.

CHAPTER 105.

(H. B. No. 36.)

AN ACT

TO AMEND SECTION 87 OF CHAPTER 228 OF THE 1911 IDAHO SESSION LAWS, RELATIVE TO COUNTY MUTUAL FIRE INSURANCE COMPANIES, AS AMENDED BY CHAPTER 31 OF THE 1913 IDAHO SESSION LAWS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 87 of Chapter 228 of the 1911

Idaho Session Laws, as amended by Chapter 31 of the 1913 Idaho Session Laws, be and the same is hereby amended to read as follows:

Section 87. Twenty-five (25) or more persons, citizens of Idaho and owning insurable property in any county in this State, may form a county mutual fire insurance company in such county for the purpose of insuring each other and for the purpose of insuring church property and public halls that may be situated within the territory in which they do business against loss by fire, lightning, tornado, windstorm or hailstorm on property situated in the county in which the headquarters of the association are located and in not more than four (4) other counties adjacent thereto, and said county mutual fire insurance companies shall be permitted to insure churches or public halls located outside of incorporated cities, and may assess and collect from the owners or trustees of said churches or public halls, and may assess and collect from each other such sums of money as may be necessary to pay losses from fire, lightning, tornado, windstorm, or hailstorms, from time to time as such losses occur, and to pay such expenses as may be approved by the board of directors: *Provided*, That the Grange or similar association or organizations now operating upon the lodge or mutual co-operative plan may operate under this Act in all or any counties of this State.

The assessment and collections of such sums shall be regulated by the constitution and by-laws of the company which must, however, provide that assessments to cover losses cannot be levied in advance of the occurrence of such losses, except that any such company, may, in its by-laws, provide for an emergency fund, which fund shall at no time exceed one-half of one per cent ($\frac{1}{2}$ of 1%) of the amount of insurance in force, out of which fund losses to the extent of the money on hand therein may be paid. Such company shall adopt the name of county mutual fire insurance company preceded by some distinctive name, and the articles of incorporation shall state the name of the town or city in which the head office shall be located and of the counties in which it is proposed to do business. They shall also state the objects of the organization as being one or more of the objects set forth in this section, and to enforce any contract which may be by them entered into, by which those entering therein shall agree to be assessed specifically for incidental purposes and for the

payment of losses which may occur to its members. The kinds of property proposed to be insured and the casualties specified in this section proposed to be insured against shall also be specified in the articles of incorporation.

After a certified copy of these articles is filed with the Commissioner of Insurance and approved by the Attorney General, and the incorporators are advised that the same is approved, they may proceed to select directors and officers and to make their constitution and by-laws, a copy of which shall be filed with the Commissioner of Insurance. The directors selected by the incorporators shall not be less than nine (9), nor more than fifteen (15) in number, and shall serve one (1) year, when an election by the members shall be held and the term of no director thereafter shall be more than three (3) years. Members shall have one (1) vote each, and shall vote for directors in person or by proxy, or by mail, but no person shall vote more than five (5) proxies. Such company shall in no instance have the power to insure the property of others than members of the company, and all the policies issued by the company must state specifically that the liability of each member is not limited. All persons becoming members of such company must sign the constitution and by-laws, and shall be held in law to comply with all the provisions and requirements of the company. Before granting any insurance, such a company shall file with the Commissioner of Insurance, in addition to a certified copy of the articles of incorporation approved by the Attorney General, a copy of the constitution and by-laws and forms of certificates of members or of insurance, and if the Commissioner finds that the laws have been complied with, he shall issue a certificate of authority for such company to commence business. Such companies shall pay to the Insurance Commissioner for the State the following fees:

For filing articles of incorporation Ten Dollars (\$10.00); for filing annual statement Ten Dollars (\$10.00). Such companies shall make such statements of accounts and records of the business and financial conditions as may be required by the Commissioner of Insurance, who shall furnish blank forms for such purpose; and the Commissioner shall have the same right to visit and examine such company, and the same supervisory authority over such company as is given him by law over mutual companies or associations, and he shall have the power to

revoke the license of such companies for failure to settle loss with reasonable promptness, and publish such revocation in such a manner as may best serve the interests of the policy holders and the public. No such company shall insure any property beyond the limits of the territory comprised in the formation of the company, as herein provided, nor shall it insure any property within the limits of any incorporated city or town, except that located upon tracts of land of not less than five acres in area located within the limits of any city, town or village, nor shall it expose itself to loss on any one risk to an amount in excess of that provided for in Section 77 of this Act.

Approved February 28, 1917.

CHAPTER 106.

(H. B. No. 43.)

AN ACT

PROVIDING FOR THE INSTRUCTION OF INMATES OF THE STATE PENITENTIARY; AMENDING SECTION 4 OF AN ACT ENTITLED, "AN ACT TO PROVIDE FOR THE INDETERMINATE SENTENCE OF PERSONS CONVICTED OF CERTAIN FELONIES, FOR THE TERMINATION OF SUCH SENTENCE AND THE RELEASE OF SUCH PERSONS; CREATING A PRISON BOARD AND DEFINING THE DUTIES THEREOF," APPROVED MARCH 11, 1909, AND ADDING THERETO SECTION 4A.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4 of an Act entitled, "An Act to provide for the Indeterminate Sentence of Persons Convicted of Certain Felonies; for the Termination of Such Sentence and the Release of Such Persons; Creating a Prison Board and Defining the Duties Thereof," approved March 11, 1909, be and the same is hereby amended to read as follows:

Section 4. It shall be the duty of the said Prison Board to adopt such rules concerning all prisoners committed to their custody, as shall prevent them from returning to their criminal courses, best secure their self-support and accomplish their reformation. When any prisoner shall be received into said penitentiary he shall be given a thorough examination in the fundamental studies which are taught in the common schools

of the State of Idaho, and unless he shall be able to pass a satisfactory examination he shall be instructed in such studies as may be deemed practicable and advisable; and each and every prisoner shall be given such courses from the University Extension Department as may be found practical. When any prisoner shall be received into said penitentiary, the Warden, shall cause to be entered into a register the date of such admission, the name, age, nativity and nationality of such prisoner, with such other facts as can be ascertained of parentage, education, occupation and early social influences as seem to indicate the inherited, constitutional and acquired defects and tendencies of the prisoner, and, based upon these, an estimate of the present condition of the prisoner, and the best probable plan of treatment. And the Physician of said penitentiary shall carefully examine each prisoner when received, and shall enter in a register (to be kept by him) the name, nationality or race, the weight, stature and family history of each prisoner; also a statement of the condition of the heart, lungs and other leading organs, the rate of the pulse and respiration, the measurement of the chest and abdomen and any existing disease or deformity or other disability, acquired or inherited. Upon the Warden's register shall be entered from time to time, minutes of observed improvement or deterioration of character, and notes as to the standing or situation of such prisoner, and of his progress in learning, or any subsequent facts or personal history which may be brought officially to his knowledge, bearing upon the question of the parole or final release of the prisoner.

SEC. 2. That Section 4a be added to the above entitled act, approved March 11, 1909, to read as follows:

Section 4a. The State Board of Education shall have prepared courses of studies for all grades and make provision for the giving of University Extension courses to all prisoners held under the jurisdiction of the Warden of the Idaho State Penitentiary, and the State Board of Prison Commissioners shall make necessary arrangements for putting into effect all provisions for the education of such persons as are prisoners of the State and held under the jurisdiction of said Warden.

Approved March 7, 1917.

CHAPTER 107.

(H. B. No. 97.)

AN ACT

TO AMEND SECTION 1 OF CHAPTER 169 OF THE ACTS OF THE ELEVENTH SESSION OF THE STATE LEGISLATURE ENTITLED "AN ACT REGULATING THE RUNNING AT LARGE OF BULLS, ETC.," APPROVED MARCH 7TH, 1911, AS AMENDED BY SECTION 1 OF CHAPTER 175 OF THE ACTS OF THE TWELFTH SESSION OF THE STATE LEGISLATURE ENTITLED "AN ACT TO AMEND SECTION 1 OF CHAPTER 169 OF THE SESSION LAWS, IDAHO LEGISLATURE, 1911, ETC.," APPROVED MARCH 5TH, 1913; PROHIBITING THE RUNNING AT LARGE OF BULLS OTHER THAN REGISTERED BULLS OF BEEF BREED; PROVIDING PENALTIES, AND PROVIDING THAT THIS ACT SHALL GO INTO EFFECT EIGHTEEN MONTHS FROM AND AFTER ITS PASSAGE AND APPROVAL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 169 of the Acts of the Eleventh Session of the State Legislature entitled "An Act regulating the running at large of bulls, etc.," approved March 7th, 1911, as amended by Section 1 of Chapter 175 of the acts of the Twelfth Session of the State Legislature entitled "An Act to amend Section 1 of Chapter 169 of the Session Laws, Idaho Legislature, 1911, etc.," approved March 5th, 1913, be and the same is hereby amended to read as follows:

SECTION 1. During the breeding season every user of the public range shall place upon the range used by him a registered bull of beef breed not less than fifteen (15) months of age nor more than eight (8) years of age for every twenty-five (25) head or fraction thereof of female breeding cattle pastured by him upon such range, and no person shall permit any bull to run on the same range at any other time than during three successive breeding seasons: *Provided*, The term female breeding cattle shall not apply to female cattle under twelve months of age: *And, Provided*, That any two or more persons may join together in furnishing such bull when the aggregate number of female breeding cattle turned loose upon the same range by any such two or more persons does not exceed the number of twenty-five head. Any person failing to comply with the terms of this Act shall be deemed guilty of a misdemeanor.

SEC. 2. This Act shall go into effect eighteen (18) months from and after its passage and approval. All Acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1917.

CHAPTER 108.

(H. B. No. 138.)

AN ACT

TO AMEND SECTION 1 OF CHAPTER 225 OF THE 1911 IDAHO SESSION LAWS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 225 of the 1911 Idaho Session Laws be and the same is hereby amended to read as follows:

Section 1. Any corporation, society, order or voluntary association without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with Section 5 hereof, and any mutual life association whose membership is limited to a secret fraternity, profession or guild and which elects its officers and directors by direct vote of its members, either in person or by proxy, is hereby declared to be a fraternal benefit society.

Approved March 7, 1917.

CHAPTER 109.

(H. B. No. 174.)

AN ACT

TO AMEND SECTIONS 107 AND 118, CHAPTER 58 OF THE ACTS OF THE TWELFTH SESSION OF THE STATE LEGISLATURE ENTITLED "AN ACT PROVIDING A SYSTEM OF REVENUE FOR STATE, COUNTY, MUNICIPAL AND SCHOOL PURPOSES, ETC.," APPROVED MARCH 13TH, 1913.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 107, Chapter 58 of the Acts of the Twelfth Session of the State Legislature entitled "An Act

providing a system of revenue for state, county, municipal and school purposes, etc.," approved March 13th, 1913, be and the same is hereby amended to read as follows:

Section 107. The county auditor must compute the amount of the State tax and the amount of the county tax levied on the total equalized values of property as entered in the separate columns provided therefor in the real property assessment roll and must extend such taxes in the columns provided therefor opposite such equalized values, and he must also compute the amounts of all city, town, village, school district or other taxes which have been authorized and levied according to law and certified to him in accordance with the provisions of this Act, and must extend such taxes in the proper columns provided therefor opposite such equalized values, and he must therefor enter the total of all taxes extended against the same property in the proper column provided therefor, opposite the equalized value thereof, and he must thereupon add up the several tax columns and enter the total of each column in the real property assessment roll. If there are any delinquency certificates or tax sale certificates outstanding against any property entered upon the real property assessment roll which have not been redeemed, cancelled or foreclosed in accordance with the provisions of this Act, the county auditor must note such delinquency upon the assessment roll opposite the description of the property by entering the year for which such taxes were levied in red ink in the column provided therefor in the assessment roll.

SEC. 2. That Section 118, Chapter 58 of the Acts of the Twelfth Session of the State Legislature entitled "An Act providing a system of revenue for state, county, municipal and school purposes, etc.," approved March 13th, 1913, be and the same is hereby amended to read as follows:

Section 118. The tax collector must keep a collection register in which he must daily enter all payments of taxes entered upon the real property assessment roll, showing in separate columns the number of the receipt, the date of payment, the amount of state tax, county tax and the amount of every city, town, village, school district or other tax collected.

SEC. 3. The provisions of this Act shall apply to and govern proceedings for the assessment and collection of taxes and

such other matters as are herein provided for, for the year 1918 and subsequent years, but such proceedings for the current year 1917 shall be governed by the law existing at the time of the adoption of this Act.

Approved March 5, 1917.

CHAPTER 110.

(H. B. No. 186.)

AN ACT

TO AMEND SECTION 4454 OF THE REVISED CODES OF THE STATE OF IDAHO SO AS TO PROVIDE THAT JUDGMENTS SHALL BE DEEMED TO BE ENTERED WHEN, BEING DULY RENDERED, THEY ARE DEPOSITED IN THE OFFICE OF THE CLERK OF THE COURT WITH THE PROPER OFFICER FOR ENTRY, AND PRESCRIBING THE DUTIES OF THE CLERK IN CONNECTION THEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4454 of the Revised Codes of the State of Idaho be and the same hereby is amended to read as follows:

Section 4454. The clerk must keep with the records of the court a book to be called a "Judgment" book in which judgments must be entered, and a judgment shall be deemed to be entered when, being duly rendered, it is deposited in the office of the clerk of the court with the proper officer for entry, and upon such deposit the clerk shall indorse upon such judgment the date of the filing of the same under or following the word "Entered."

Approved March 7, 1917.

CHAPTER 111.

(S. B. No. 18.)

AN ACT

AMENDING SECTION 1097a OF THE REVISED CODES OF IDAHO, AS AMENDED BY CHAPTER 140 OF THE ACTS OF THE TWELFTH SESSION OF THE LEGISLATURE, LAWS OF 1913, PAGE 494.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1097a of the Revised Codes of

Idaho, as amended by Chapter 140 of the Acts of the Twelfth Session of the Legislature, Laws of 1913, page 494, be and the same is hereby amended to read as follows:

Section 1097a. It shall be the duty of all County Boards of Health to provide for the examination by the Secretary into the sanitary condition of all County buildings and jails and other public institutions, at least once every year, before the first of May, and as near said day as may be practicable and such examining officer shall file a complete report within fifteen days after said first day of May, with the Secretary of State Board of Health. It shall also be the duty of all County Boards of Health to provide promptly for the examination by the Secretary into the sanitary condition of any school building in the county, upon a request for such an examination by the County Superintendent of Public Instruction. The examining officer shall file a complete report within fifteen days after such examination of a school building with the Secretary of the State Board of Health.

Approved March 7, 1917.

CHAPTER 112.

(S. B. No. 70.)

AN ACT

ENCOURAGING THE GROWING OF NUT-BEARING, HARDWOOD AND OTHER MERCHANTABLE FOREST TREES BY EXEMPTING THE TRACTS WHEREON THEY ARE GROWN FROM TAXATION FOR A LIMITED PERIOD; DEFINING SUCH A TRACT AS A FORESTRY TRACT AND FIXING ITS LIMITATIONS; PRESCRIBING REGULATIONS FOR PLANTING AND CARING FOR A FORESTRY TRACT; DEFINING THE AUTHORITY OF THE FORESTRY DEPARTMENT OF THE UNIVERSITY OF IDAHO IN RELATION THERETO; SUBJECTING SUCH A TRACT TO HORTICULTURAL INSPECTION; AND PRESCRIBING THE DUTIES OF CLAIMANTS HEREUNDER, AND OF COUNTY ASSESSORS, THE STATE HORTICULTURAL DEPARTMENT AND THE FORESTRY DEPARTMENT OF THE UNIVERSITY OF IDAHO IN CARRYING OUT THE PROVISIONS HEREOF.

Preamble—Purpose of Act. The Legislature of the State of Idaho, acting under the sanction of Section 5 of Article 7 of the Constitution, in order to encourage the growing of nut-bearing, hardwood and other merchantable forest trees,

at present almost entirely neglected in the agricultural sections of this state, and by so doing to increase the material resources of this state, deems it both necessary and just that the tracts whereon they are grown be exempted from taxation during a limited period when, while the trees are too small to have any commercial value, the land itself cannot be used for any other purpose, therefore,

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. *Definition of Forestry Tract.* A forestry tract, under the provisions of this act, is a tract of land:

(a) Patented under the agricultural land laws of the United States or of this State;

(b) Not exceeding twenty acres in area to each claimant of the benefits of this act;

(c) Not valuable, by reason of location, roughness or character of soil, for the raising of ordinary agricultural crops;

(d) Not containing any growth of native timber; and

(e) Planted, subject to the regulations prescribed in this act, to nut-bearing, hardwood or other merchantable forest trees.

SEC. 2. *Regulations for Planting and Caring for Forestry Tract.* In order to be entitled to the benefits of this act, a claimant must plant and care for a forestry tract, subject to the following regulations:

(a) Such species of trees shall be planted, in such number and in such manner, as shall be prescribed or recommended by the Forestry Department of the University of Idaho.

(b) A forestry tract shall be cultivated and cared for under the supervision and subject to the regulations prescribed by the Forestry Department of the University of Idaho.

(c) A forestry tract shall be kept clear of underbrush or other refuse calculated to damage the trees or render them subject to the menace of fire.

(d) Trees shall be protected against stock, rabbits and rodents, and where there is danger of deep snow, shall be protected therefrom while small.

(e) No trees shall be cut upon a forestry tract during the period of exemption herein prescribed, except for the purpose of necessary thinning.

SEC. 3. *Authority of Forestry Department of the University of Idaho.* The Forestry Department of the University of Idaho is hereby authorized and directed to make such general rules and regulations relating to the planting and cultivation of forestry tracts, and such specific recommendations to claimants hereunder, as are necessary to carry out the intent of this act.

So far as its facilities and resources will permit, the said department shall exercise supervision over the planting and care of forestry tracts, to the end that the growing of nut-bearing, hardwood and other merchantable forest trees, in accordance with modern scientific and economic principles, may be encouraged in this state.

SEC. 4. *Forestry Tracts Subject to Inspection.* Forestry tracts are subject to inspection under the general laws of the State relating to horticulture. The State Horticultural Inspector and his deputies are hereby directed to transmit to the Forestry Department of the University of Idaho copies of all notices to the owners of forestry tracts.

SEC. 5. *Forestry Tract Exempt From Taxation.* A forestry tract shall be exempt from taxation for a period of ten years from the planting thereof, or during so much of said period as the claimant of the benefits of this act shall comply with the terms hereof, but any improvements upon a forestry tract other than those authorized by this act shall be subject to assessment as other property.

SEC. 6. *Manner of Claiming Exemption.* Any person claiming the benefits of this act shall, on or before the fourth Monday of June of each year, or on the day of assessment, file with the Assessor a sworn claim for such exemption upon blanks to be furnished by the Assessor upon demand, setting forth all the facts in the matter, the ground for exemption and description of the property affected. The Assessor must deliver such sworn claim for exemption to the Clerk of the Board of County Commissioners at the same time that he delivers to said Clerk the completed assessment roll in which such exempt property is listed.

The Forestry Department of the University of Idaho shall furnish any assessor of the State, upon demand, a certificate,

showing to what extent within its knowledge the provisions of this law have been complied with by any claimant.

Approved March 5, 1917.

CHAPTER 113.

(S. B. No. 90.)

AN ACT

TO AMEND SECTION 5461 OF THE REVISED CODES OF IDAHO, RELATING TO THE TIME, AFTER PUBLICATION OF NOTICE, WITHIN WHICH CREDITORS OF DECEASED PERSONS MAY PRESENT CLAIMS AGAINST THE ESTATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 5461 of the Revised Codes of Idaho be, and the same is hereby amended to read as follows:

Section 5461. The time expressed in the notice must be ten months after its first publication, when the estate exceeds in value the sum of five thousand (\$5000.00) Dollars, and four months when it does not.

Approved March 7, 1917.

CHAPTER 114.

(S. B. No. 59.)

AN ACT

PROVIDING THAT ROAD OVERSEERS, DISTRICT ROAD SUPERVISORS, OR ANY AGENT OR BOARD OF COUNTY COMMISSIONERS, MAY AT THE EXPENSE OF THE COUNTY OR HIGHWAY DISTRICT INSTALL CULVERTS UNDER DAMS, DIKES AND LEVEES THAT CAUSE WATER TO BACK UP, OVER FLOW AND ACCUMULATE ON HIGHWAYS WHERE LAND OWNER DOES NOT ALLOW THE OVERSEER, SUPERVISOR OR AGENT OF BOARD OF COUNTY COMMISSIONERS TO GO UPON HIS LAND FOR SUCH PURPOSES; PROVIDING FOR THE INSTITUTION AND PROSECUTION OF ACTIONS TO COMPEL INSTALLATION OF SUCH CULVERTS AND TO RECOVER PENALTIES PROVIDED FOR BY THIS ACT, AND AUTHORIZING CERTAIN OFFICIALS TO GO UPON THE PREMISES WHERE SAID DAMS, DIKES AND LEVEES ARE SITUATED, WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT, AND TO INSTALL SAID CULVERTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. If the owner or occupant of land lying adjacent to or near any highway duly laid out or constructed, or any other person, shall maintain or cause to be maintained, or allow any dam, dike, or levee across any swale, hollow, or natural water drain or channel, either inside or outside any fence or other enclosure which may enclose such land, and shall thereby cause water to back upon, overflow or accumulate upon such highway, the road overseer of the district, or district Road Supervisor, or other official having direct supervision of the maintenance of said highway, as the case may be, or any other agent appointed by the Board of County Commissioners, shall go upon such premises and at the expense of the County or the Highway District, as the case may be, install such culverts and drains as may be necessary, and in such manner as to cause water to drain from said highway to be carried down its natural channel to some point where the same may be disposed of without injury to such land owner and adjoining land owners.

SEC. 2. Whenever it is necessary or convenient so to do, in carrying out the provisions of this act, the Board of County Commissioners or Board of Highway Commissioners, or any other board or body, or their agents, as the case may be, which has by law the general supervision and control of said highway, are hereby authorized and empowered to go upon and work upon said lands and premises where such dams, dikes and levies are situated.

SEC. 3. If it is denied that the dam, dike or levee causes water to back up, over flow or accumulate on the road, or if the owner or occupant of the land, or person causing said dam, dike or levee to be maintained, refuses either to install suitable culverts or drains or does not allow the road overseer, or district road supervisor, or other official having immediate supervision of the maintenance of said highway, to do so, then such officer or officers must report said facts to the Board of County Commissioners or to the Board of Highway Commissioners or to such other board or body as by law has general supervision over the maintenance of that highway, and such Board of County Commissioners or Board of Highway Commissioners or such other board or body as has general supervision over the maintenance of said highway must commence

an action or actions in the proper court to procure such culverts or drains to be installed or such dam, dike, or levee abated as a nuisance; and if such board or body recover judgment, it may, in addition to having said culverts installed or the said dam, dike or levee abated as a nuisance, recover ten dollars for every day such culverts remained uninstalled after the date of rendition of judgment in said action, and may also recover the costs in said action, and in an appropriate action, may also recover the costs and expenses of the installation of such culverts or drains and the costs of suit.

Approved March 14, 1917.

CHAPTER 115.

(H. B. No. 60.)

AN ACT

REQUIRING COUNTY ASSESSORS TO COLLECT CERTAIN AGRICULTURAL DATA UPON FORMS PRESCRIBED BY THE DIRECTOR OF FARM MARKETS; REQUIRING COUNTY AUDITORS TO PERFORM CERTAIN DUTIES IN THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT; AND FIXING A PENALTY FOR NEGLIGENCE OR REFUSAL TO SECURE SUCH DATA AND SUBMIT REPORTS ON SAME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of the several county assessors of this State, at the time of listing property for taxation each year, to require each person, firm, corporation or other organization in the county to provide the following information, to-wit: Acres in cultivation; approximate number each of apple and prune trees in bearing; approximate number each of apple and prune trees not of bearing age; acreage of perennial pasture of each variety; tonnage of each variety of hay cut previous year; amount of each variety of clover and grass seed sold; estimate of previous year's sales of butter, butterfat, milk, chickens, eggs, wheat, oats, barley and potatoes; and each assessor shall make a return of such statements in tabulated form to the county auditor at the time of returning the lists of property for taxation.

SEC. 2. The services herein required of the several assessors shall be performed at the same time that they list property for taxation. They shall not be paid for such service sep-

arately, but for the time employed in collecting such statistics and for listing property for taxation they shall be allowed and paid as for one and the same service: *Provided*, That an assessor shall receive no pay for services as assessor except on presenting a certificate from the county auditor that he has fully complied with the requirements of the foregoing section; and it is the duty of the county auditor, when any assessor fails to make proper and complete returns of the statistics required herein, to withhold such certificates until the work is fully and properly completed and to return forthwith the blanks to such assessor, indicating to him the deficiencies in such statistics and what is needed by way of correction, and shall specify a reasonable time within which such assessor shall fully complete the work and return the same to the county auditor; and it shall be the duty of the assessor immediately to carry out the instructions of such auditor and return the statistics completed within the time prescribed. In case of his failure to comply with such requirements, such assessor shall forfeit all compensation and be subject to the penalties prescribed in the next section, and it is the duty of the county auditor to enter complaint against such assessor, and the State's attorney of the county shall prosecute the same; and any judgment or penalty so recovered against any such assessor shall be a lien against all real and personal property owned by such assessor. In case any assessor fails to complete such statistics and return the same to the county auditor within the time prescribed after they have been returned to him by the county auditor with the proper instructions for completion, such county auditor shall appoint some suitable person to collect or complete the statistics for the district, and such appointee shall perform such work as provided in the case of a regular chosen assessor and shall be entitled to compensation at the same rate to be paid as provided for assessors. The failure of any county auditor to require the complete performance of duty by assessors as herein provided or to enter complaint against any assessor who shall fail to perform his duty as herein provided, shall be deemed a misdemeanor, and such auditor shall be liable to the penalties prescribed in the next section.

SEC. 3. Any assessor or county auditor who shall neglect or refuse, in whole or in part, to perform the duties required in the foregoing sections, shall be guilty of a misdemeanor,

and, upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00).

SEC. 4. Each county auditor shall, upon request, furnish to the Director of Farm Markets such information from the county records regarding the county, its financial condition, products and other statistical information, as may be requested on blanks furnished by the Director of Farm Markets, and the refusal or neglect of any county auditor to furnish such information within thirty (30) days from the receipt of such request, shall be deemed a misdemeanor and shall subject such auditor to the penalties prescribed in the preceding section.

SEC. 5. The expenses incurred in procuring and furnishing the necessary blanks for the statistical information herein required shall be paid from the appropriation of the Director of Farm Markets.

Approved March 12, 1917.

CHAPTER 116.

(S. B. No. 60.)

AN ACT

CREATING A STATE BOARD OF EXAMINERS OF ARCHITECTS; PRESCRIBING THE QUALIFICATIONS AND DUTIES OF SUCH BOARD; PROVIDING FOR THE LICENSING OF ARCHITECTS; REGULATING THE PRACTICE OF ARCHITECTURE IN THE STATE OF IDAHO; AND PRESCRIBING A PENALTY FOR PRACTICING ARCHITECTURE WITHIN THE STATE OF IDAHO, WITHOUT FIRST HAVING PROCURED A LICENSE THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That within thirty (30) days after this act becomes a law, the Governor of the State of Idaho shall appoint a State Board of Examiners of Architects to be composed of five (5) members, of whom one (1) shall be a member of the faculty of the Architectural or Engineering Department, Idaho State University, one (1) a person whose views on sanitation shall meet the approval of the State Board of Health, and the other three (3) shall be architects, residing in the State of Idaho, who have been engaged in the practice of architecture for at least five (5) years. Two of the persons

so appointed shall hold office for a term of two years from the date of their appointment or until their successors are appointed and qualified. The other two members together with the member of the faculty aforesaid, shall hold office for a term of four years from the date of their appointment or until their successors are appointed and qualified. At the expiration of the term of office of the person so appointed, the Governor of the State shall appoint a successor to each person whose term of office shall expire, to hold office for four (4) years and each person so appointed shall have the qualifications hereinbefore specified. Any vacancy occurring in the membership of the Board shall be filled by the Governor of the State for the unexpired term of such membership. The members of the Board shall serve without compensation from the State. The compensation and expenses of the Board shall be paid out of the fees collected from applicants for license.

SEC. 2. The members of the Board of Examiners of Architects shall before entering upon the discharge of the duties of their office, and within thirty (30) days after their appointment take and file with the Secretary of State the constitutional oath of office. They shall, as soon as organized and in the month of January of each and every year thereafter elect from their number a President and a Secretary, who shall also be Treasurer. Before entering upon his duties the Secretary-Treasurer shall file a bond for the penal sum of Five Hundred (500) Dollars payable to the State of Idaho with the Secretary of State which bond shall be approved by the Secretary of State.

SEC. 3. The Board shall adopt all necessary rules, regulations and by-laws to govern its proceedings, not inconsistent with this Act, the laws of this State, or of the United States. The Board shall adopt a seal, and the Secretary shall have the care and custody thereof, and shall keep a record of the proceedings of the Board, which shall be open at all times to public examination.

SEC. 4. The Secretary-Treasurer of the State Board of Examiners of Architects shall receive such annual compensation as shall be provided by the Board not to exceed Five Hundred (500) Dollars per year. The other members of the Board shall receive the sum of Ten (10) Dollars for each and every day actually engaged in the performance of their

duties as such officers, and all actual and necessary expenses. The State of Idaho, or any member of this Board, shall not be held responsible for any portion of the Secretary-Treasurer's salary should the fees received by said Board be insufficient to meet the same.

SEC. 5. Any funds remaining in the treasury of the State Board of Examiners of Architects, after the payment of the compensation and expenses of the members of the Board and the salary of the Secretary-Treasurer, in excess of the sum of Two Hundred Fifty (250) Dollars, on the thirty-first (31st) day of December of each year, shall be paid to the State Treasurer, which money shall form the nucleus of a fund to provide for an advanced course of Architectural study to be established in the University of the State of Idaho. No money shall be paid out of said fund, except on the requisition of said State Board of Examiners of Architects approved by the Governor.

SEC. 6. All funds shall be deposited in bank to the credit of the State Board of Examiners of Architects. All checks shall be signed by the Secretary-Treasurer and countersigned by the President of the said Board, and no disbursements shall be made except by the order of the said Board. There shall be an auditing committee of two (2) to pass on all accounts of the Secretary-Treasurer. This committee may be changed at the time of any meeting or annual report of the Secretary-Treasurer. Bills for expense of members shall be presented, and when audited, shall be ordered paid by the Board, at any meeting.

SEC. 7. Three (3) members of this Board shall constitute a quorum.

SEC. 8. Special meetings of the Board shall be called by the Secretary-Treasurer upon request of any two members, by giving at least ten (10) days' written notice of the time and place of such meeting, to each member. The Board shall adopt rules and regulations for the examination and licensing of applicants desiring to practice architecture in accordance with the provisions of this Act, and may amend, modify and repeal such rules and regulations, from time to time.

SEC. 9. The Board shall, immediately upon the election of each officer thereof, and upon the adoption, repeal or modification of the rules and regulations for licensing of appli-

cants aforesaid, file with the Secretary of State the names and post office addresses of each officer, and a copy of such rules and regulations, or amendment, repeal or modification thereof.

SEC. 10. The State Board of Examiners of Architects shall hold at least two (2) examinations each year of applicants for a license to practice architecture, if there be any such applicants.

SEC. 11. Any citizen of the United States, or any person who has duly declared his intentions of becoming such citizen, being at least twenty-one (21) years of age, and of good moral character, may apply for an examination or for a license to practice architecture in this State; but before securing such license shall submit to said Board, satisfactory evidence of having satisfactorily completed the course in an approved high school, or the equivalent thereof, and in addition thereto of having satisfactorily completed such course in mathematics and the English Language, as is required in the first two years' course in any approved institution conferring the degree of Bachelor of Arts. Such candidate shall, in addition submit satisfactory evidence of at least three years' practical experience in the office or offices of a reputable architect, or architects, commencing after the completion of the high school course. The Board of Examiners may accept satisfactory diplomas or certificates, from approved institutions covering the course required for examination. Upon complying with the above requirements, the applicant shall satisfactorily pass an examination in such technical and professional courses as are established by the State Board of Examiners of Architects. The Board of Examiners in lieu of all examinations, may accept satisfactory evidence of any or all of the qualifications set forth under subdivisions Nos. 1 and 2 of this Section:

No. 1. A diploma of graduation or satisfactory certificate from a recognized architectural college or school, together with at least three (3) years' practical experience in the office or offices of reputable architect or architects, but the three years' experience shall be counted as beginning at the completion of the course leading to such diploma, or certificate.

No. 2. Registration, or certification, as an architect, in another state, or country, where the standard of qualifications

for the same are not lower than those required by the Board of Examiners under this Act.

No. 3. *Architects Who Are Entitled to License Without an Examination.* Any person who shall, by affidavit, show to the satisfaction of the State Board of Examiners of Architects that he or she was engaged in the practice of the profession of architecture within the State of Idaho on the date of the passage of this Act, shall be entitled to a license without examination; provided such application shall be made within six months after the approval of this Act. Such license when granted, shall set forth the fact that the person to whom the same was issued was practising architecture in this State at the time of the passage of this Act, and is, therefore, entitled to a license to practice architecture without an examination by the Board of Examiners, and the Secretary-Treasurer of the Board shall, upon the payment to him of the fee of Twenty (20) Dollars, issue to the person named in said affidavit, a license to practice architecture in this State, in accordance with the provisions of this Act.

SEC. 12. The regular examinations shall occupy not less than two (2) days. At least one day shall be devoted to written examinations, and one day shall be devoted to ascertaining the ability of the candidate to make practical application of his knowledge in the ordinary professional work of an architect, which will include an effort toward ascertaining the qualifications of the applicant in draftsmanship and also in designing and construction.

SEC. 13. Every person applying for examination for a license under this Act shall pay a fee of Twenty (20) Dollars to the Secretary-Treasurer of said Board. In case an applicant fails to qualify said fee of Twenty (20) Dollars shall be retained by the Board to cover the necessary expenses of said examination. If the result of the examination of any applicant shall be unsatisfactory to a majority of the Board, under its rules, the Secretary-Treasurer shall upon an order of the Board, issue to such applicant a certificate to that effect, and upon payment to the Secretary-Treasurer of the Board by the candidate of Twenty (20) Dollars, he shall thereupon issue to the person therein named a license to practice architecture in the State, in accordance with the provisions of this Act, which license shall contain the full name, birthplace and

age of the applicant, and be signed by the President and Secretary-Treasurer, and sealed with the seal of said Board.

SEC. 14. Any certificate granted by the said Board, or obtained by affidavit, as above provided, may be revoked by said State Board of Examiners of Architects, for gross ignorance, recklessness, incompetency, dishonest practices, or other good and sufficient reason, but before any certificate shall be revoked, the holder shall be entitled to at least twenty (20) days' notice of the nature of the charge against him, and of the time and place of the meeting of the Board for the purpose of hearing and determining such charge. No license shall be revoked except upon the unanimous vote of all members of the Board, and any such revocation of licenses shall be certified in writing by the said State Board of Examiners of Architects, under the hand of its President or its President pro tempore, and attested by the Secretary-Treasurer with the official seal of said Board affixed thereto, and such revocation of license shall be filed in the office of the Secretary of State, who shall be paid the usual fee for filing similar documents in his office. The holder of any license may, within twenty days after the filing of such certificate with the Secretary of State appeal from such order of revocation to the District Court in the County where a copy of such license is filed, by filing with the clerk of said court a notice of appeal together with a certified copy of the certificate of revocation and paying to said clerk a fee of Five (5) Dollars. Such case shall be tried in said Court de Novo the same as all other cases are tried; and in case the said order of revocation shall be reversed, a certified copy of such judgment shall be filed with the Secretary of State and Secretary-Treasurer of the State Board of Examiners of Architects, and thereafter the architect whose license was revoked shall have his license reinstated. Any person whose license has been revoked by said Board for cause, and the order revoking the same shall not thereafter be reversed by a court of competent jurisdiction, shall not be granted another license in the State of Idaho for a period of one year after the date of the order of revocation.

SEC. 15. A copy of any license granted by said Board or any revocation thereof, where the original license or revocation thereof is required to be filed with the Secretary of State, duly certified to be a true and correct copy by the Secretary of State,

shall be competent evidence in any Court to prove the contents thereof.

SEC. 16. Each member of a firm of practicing architects, including each practicing member of an architectural firm, shall have a separate license. A license shall not be issued to any firm or corporation.

SEC. 17. Every licensed architect shall have a seal, the impression of which must contain the name, or firm name of the architect or architects, his or their place of business, and the words "Licensed Architect" or "Licensed Architects," "State of Idaho," with which he or they shall stamp all original drawings and specifications issued from his or their office.

SEC. 18. Nothing in this Act shall be construed to prevent any person from preparing or filing any plans for new buildings or for alterations or extensions to existing buildings; nor shall any department or bureau with which plans are required to be filed according to law, refuse, by reason of this Act, to receive the same from any one on the ground that the plans are not prepared by a person styled or known as an architect.

SEC. 19. *Persons Who Are to Be Regarded as Architects.* Any person who shall be engaged in the planning or supervision of the erection, enlargement or alteration of buildings for others, and to be constructed by other persons than himself, or employees shall be regarded as an architect within the provisions of this Act, and shall be held to comply with the same; but nothing contained in this Act shall prevent the draftsmen, students, clerks of works or superintendents, or other employees of those lawfully practicing as architects, under license as herein provided, from acting under the instruction, control or supervision of their employers; or shall prevent the employment of superintendents of buildings paid by the owners from acting, if under the control and direction of a licensed architect who has prepared the drawing and specifications for the building. The term buildings as used in this Act shall be understood to be a structure, consisting of foundations, walls and roof, with or without the other parts; but nothing contained in this Act shall be construed to prevent any person, contractor, mechanic or builder from making plans and specifications for, or supervising the erection, enlargement or alteration of any building that is to be constructed by himself or employes, nor shall a civil engineer be considered as

an architect unless he plans, designs and supervises the erection of buildings, in which case he shall be subject to all the provisions of this Act, and be considered as an architect.

SEC. 20. Within the first week of December of each and every year after this Act shall take effect the Secretary-Treasurer of the Board shall file with the Auditor of the State, a full report of the proceedings of the Board, and a complete statement of the receipts and expenditures of the Board, attested by the affidavits of the President and Secretary-Treasurer.

SEC. 21. Any person practicing architecture or who shall advertise as an architect or put forth any card, sign or other device which would lead the public to believe him to be entitled to practice architecture in this State, without having first secured an architect's license as herein provided shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Fifty (50) or more than Two Hundred (200) Dollars, and in default or failure to pay such fine shall be imprisoned in the county jail until such fine shall have been paid, allowing Two (2) Dollars for every day of such imprisonment.

Approved March 15, 1917.

CHAPTER 117.

(H. B. No. 61.)

AN ACT

REQUIRING ALL PERSONS, FIRM, CORPORATION OR ASSOCIATION ENGAGED IN THE BUSINESS OF THRESHERMEN AND SEED-HULLERS TO REGISTER WITH THE DIRECTOR OF FARM MARKETS AND PROCURE LICENSES TO ENGAGE IN SUCH BUSINESS; PROVIDING THE AMOUNT OF FEE FOR SUCH LICENSE AND PROVIDING FOR THE DISPOSITION OF THE LICENSE FEES SO COLLECTED AND MAKING AN APPROPRIATION; PROVIDING FOR THE KEEPING OF RECORDS AND MAKING OF REPORTS TO THE DIRECTOR OF FARM MARKETS; AND DECLARING THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT A MISDEMEANOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any person, firm, corporation or association prior to engaging in the business of threshing or hulling grain

seeds or other crops within the State of Idaho shall, annually and prior to the beginning of such business each year, procure from the Director of Farm Markets a license to engage in said business, and said director shall issue the same upon payment to him by the applicant of a license fee of One Dollar (\$1.00). All license fees so collected shall be accounted for by the Director of Farm Markets and turned into the State Treasury, as received. The State Treasurer shall credit all funds so received to the office of the Director of Farm Markets and the moneys accumulated in said fund from said license fees so collected are hereby appropriated for the use of the Director of Farm Markets, and he is hereby authorized to expend said sums in the same manner as other funds specifically appropriated for the benefit of his office.

SEC. 2. Any person, firm, corporation or association engaged in the business of threshermen or seed huller under the provisions of this Act shall keep such brief, simple records throughout the season as may be required by the Director of Farm Markets, showing the grain and seed of each kind threshed, when and for whom, and shall report the same to the Director of Farm Markets, when called for upon blanks to be furnished by the Director of Farm Markets.

SEC. 3. Any person, firm, corporation or association violating any of the provisions of this Act shall be guilty of a misdemeanor.

Approved March 12, 1917.

CHAPTER 118.

(H. B. No. 65.)

AN ACT

REQUIRING ANY CO-OPERATIVE CORPORATION IN WHICH OVER FIFTY PER CENT OF THE OUTSTANDING CAPITAL STOCK IS HELD BY FARMERS AND WHICH CORPORATION IS DOING A COMMERCIAL BUSINESS IN THIS STATE TO KEEP ITS ACCOUNTS AND RECORDS IN A FORM AND MANNER ACCEPTABLE TO THE DIRECTOR OF FARM MARKETS; PROVIDING FOR THE MAKING OF REPORTS TO SAID DIRECTOR OF FARM MARKETS AND FOR THE INSPECTION OF SAID ACCOUNTS AND RECORDS BY SAID DIRECTOR MAKING VIOLATION OF THE TERMS OF THIS ACT A MISDEMEANOR ON THE PART OF

THE SAID CORPORATION AND ON THE PART OF THE MANAGER OF FIRM OR THE EMPLOYEE HAVING CHARGE OF THE ACCOUNTS AND RECORDS OF SUCH CORPORATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any co-operative corporation in which over fifty per cent of the outstanding capital stock is held by farmers and which corporation is doing a commercial business in the State of Idaho shall keep its accounts and records in a form and manner acceptable to the Director of Farm Markets and said accounts and records shall be subject to the inspection of said director at any time. The manager of all such corporations shall also make such reports covering their financial and general business conditions to the Director of Farm Markets as may be required by him.

SEC. 2. Failure to comply with any of the terms of this Act shall constitute a misdemeanor on the part of the said corporation and on the part of the officer, manager or employee having charge of the accounts and records of said corporation.

Approved March 12, 1917.

CHAPTER 119.

(H. B. No. 67.)

AN ACT

REQUIRING ALL PROMOTERS OF CREAMERIES, CHEESE FACTORIES AND CONDENSERIES WITHIN THE STATE OF IDAHO TO REGISTER WITH THE DIRECTOR OF FARM MARKETS AND PROCURE LICENSES BEFORE BEGINNING OPERATIONS IN THE STATE; PROVIDING THE AMOUNT OF FEE FOR SUCH LICENSES AND PROVIDING FOR THE DISPOSITION OF THE LICENSE FEES SO COLLECTED; MAKING AN APPROPRIATION AND DECLARING THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT A FELONY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any person, firm, corporation or other organization desiring to engage in the promotion of creameries, cheese factories or condenseris within the State of Idaho shall make application to the Director of Farm Markets for the issuance of a license for that purpose, presenting with such

application for license a full and complete statement of the proposition to be presented to the community. Upon the issuance of said license, a license fee of One Dollar (\$1.00) shall be paid to the Director of Farm Markets by the applicant. All license fees so collected shall be accounted for by the Director of Farm Markets and turned into the State Treasury, as received. The State Treasurer shall credit all funds so received to the office of the Director of Farm Markets and all moneys accumulating in said fund are hereby appropriated for the use of the said Director of Farm Markets, and said Director is hereby authorized to expend said funds in the same manner as other funds specifically appropriated for his office.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a felony.

Approved March 12, 1917.

CHAPTER 120.

(S. B. No. 72.)

AN ACT

TO AMEND SECTION 37 OF CHAPTER 159, IDAHO SESSION LAWS, 1911, RELATING TO THE DUTIES OF THE COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37 of Chapter 159, Idaho Session Laws of 1911, be and the same hereby is amended to read as follows:

Section 37. (a) The County Superintendent of Public Instruction shall have charge and supervision of the public schools of his county with the exception of Class A Independent School Districts, and it shall be his duty to visit the other public schools in the county at least once during each school year, and remain at said public school at least one-half day; at such visits, he shall carefully observe the methods employed by the teacher in giving instruction in the several branches taught; the manner of discipline and government; the classification of the pupils, and general management of the schools, and shall give the school such instruction and encouragement as he deems for the best interests of all concerned; and he shall make such suggestions to the teacher in private as, in

his judgment, will render the said teacher more efficient and promote the general educational interests of the district. He shall also observe, and make examination into, the sanitary conditions of school building and grounds, and if in his opinion said sanitary conditions should be improved, he shall so report to the County Board of Health whereupon the said County Board of Health shall order its Health Officer to make an examination into such conditions.

(b) He shall perform such other supervisory duties as shall be directed by the State Board of Education.

(c) It shall be his further duty to organize a meeting of the teachers of the schools under his supervision, for the purpose of exchanging ideas of professional interest, for the study of methods, and for general culture.

(d) The County Superintendent shall designate at least five (5) days in the month when he may be found in his office.

(e) The County Superintendent shall be empowered to employ such assistant or assistants as the work of his office may require, said assistant or assistants shall receive such remuneration as may be fixed by the Board of County Commissioners, which remuneration shall be paid quarterly in the same manner as the salaries of county officers are paid. The County Superintendent shall keep his office open from nine (9) o'clock A. M. until five (5) o'clock P. M. each week day.

Approved March 13, 1917.

CHAPTER 121.

(S. B. No. 73.)

AN ACT

CREATING TWO CONGRESSIONAL DISTRICTS IN THE STATE OF IDAHO AND DESIGNATING THE COUNTIES OF WHICH EACH OF SAID DISTRICTS SHALL BE COMPRISED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That for the election of representatives in Congress, the State of Idaho is hereby divided into two Congressional districts to be known as the First and Second Districts.

SEC. 2. The First Congressional District shall be composed of the following named counties: Adams, Boise, Bound-

ary, Bonner, Benewah, Custer, Canyon, Clearwater, Gem, Idaho, Kootenai, Lewis, Lemhi, Latah, Nez Perce, Shoshone and Washington, Valley and such other counties that may hereafter be created out of the territory included within the boundaries of said counties.

SEC. 3. The Second Congressional District shall be composed of the following named counties:

Ada, Bannock, Blaine, Bingham, Bonneville, Bear Lake, Cassia, Elmore, Franklin, Fremont, Gooding, Jefferson, Lincoln, Madison, Minidoka, Owyhee, Oneida, Power, Twin Falls, and Teton, Butte, Camas, and such other counties that may hereafter be created out of the territory included within the boundaries of said counties.

SEC. 4. That all candidates for election as representatives in Congress shall be residents of the Congressional District from which they seek such election.

SEC. 5. That all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1917.

CHAPTER 122.

(S. B. No. 76.)

AN ACT

PROHIBITING THE SALE, OR EXCHANGE, OF GOODS, WARES OR MERCHANDISE UNDER THE REPRESENTATION, ADVERTISEMENT, NOTICE, OR INDUCEMENT THAT ANY STAMPS, TRADING STAMPS, COUPONS, TICKETS, CERTIFICATES, OR OTHER SIMILAR DEVICES ENTITLING THE HOLDER THEREOF TO RECEIVE SOME ARTICLE OF PROPERTY AS A PREMIUM, OR PREMIUM GIFT, ARE TO BE A PART OF THE TRANSACTION: PROHIBITING THE SALE OR EXCHANGE OF ANY SUCH STAMPS, COUPONS, OR OTHER DEVICES TO AID SUCH SALE, OR EXCHANGE AFORESAID: AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ACT:

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That any person, firm, or corporation, who shall sell, or exchange, any goods, wares, or merchandise whatsoever, or offer, or attempt so to do, upon a representation, advertisement, notice, or inducement that any stamps, trading stamps, coupons, tickets, certificates, or other similar devices

which entitles the purchaser to demand, or receive, either from the vendor, or from any other person, firm, or corporation, any other article of property as a premium, or premium gift, are to be delivered, or received, or are in any way connected with, or are a part of the transaction as a premium, or premium gift, shall for each and every offense be guilty of a misdemeanor and be punishable by a fine of not less than fifty dollars (\$50.00), nor more than three hundred dollars (\$300.00).

SEC. 2. That any person, firm, or corporation who shall sell, or exchange, any of the devices hereinbefore mentioned upon a contract to enable the purchaser, or receiver thereof, to sell or exchange property, or attempt so to do, upon any representation, advertisement, notice, or inducement hereinbefore mentioned, or who shall deliver any goods, wares, or merchandise upon the presentation of any such stamps, or other similar devices, shall be guilty of a misdemeanor, and be punishable by a fine not less than fifty (\$50.00) dollars, nor more than three hundred (\$300.00) dollars.

SEC. 3. The provisions of this Act shall not apply or extend in any manner to the redemption of any such stamps, or other similar devices that may have been issued as premiums, or premium gifts, prior to the time this Act takes effect; nor shall they apply to agricultural, or church fairs, conducted for scientific or charitable purposes.

Approved March 14, 1917.

CHAPTER 123.

(S. B. No. 79.)

AN ACT

PRESCRIBING CERTAIN REQUIREMENTS OF LIFE INSURANCE COMPANIES OPERATING IN THE STATE OF IDAHO WHO SELL BOTH PARTICIPATING AND NON-PARTICIPATING PLANS OF INSURANCE AND REPEALING ALL LAWS AND PARTS OF LAWS IN CONFLICT THEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That on and after the passage and approval of this act, no life insurance company doing business upon both the participating and non-participating basis shall be permitted to operate in the State of Idaho unless such Company

shall maintain a system of accounting in its business which segregates its participating from its non-participating business and which system shall clearly show the profits and losses upon each class of business mentioned and the annual reports filed each year with the Idaho State Insurance Department by all such companies shall clearly disclose such information.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

Approved March 13, 1917.

CHAPTER 124.

(S. B. No. 85.)

AN ACT

TO PREVENT THE MANUFACTURE, SALE OF COMPOUNDING OF ADULTERATED, OR MISBRANDED GASOLINES, BENZINES, NAPTHAS, LUBRICATING OILS AND GREASES, ROAD OILS, AND FUEL OILS FOR BOILERS AND INTERNAL COMBUSTION ENGINES, AND TO REGULATE TRAFFIC THEREIN; AND PROVIDING FOR THEIR INSPECTION, ANALYSIS, STANDARD GRADES, STANDARD TESTS; TO APPROPRIATE MONEY TO CARRY OUT THE PROVISIONS OF THIS ACT; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That it shall be unlawful for any person to manufacture, sell, keep for sale, or offer for sale within the State of Idaho any gasoline, benzine, naptha, lubricating oil or grease, road oil, fuel oil for boilers and internal combustion engines, which is adulterated or misbranded within the meaning of this Act, and any person who shall manufacture, sell, keep for sale, or offer for sale any of the above named articles, which is adulterated or misbranded, within the meaning of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, and that each and every sale in violation hereof shall be deemed a separate offense.

SEC. 2. It shall be the duty of the State Dairy, Food and Sanitary Inspector of the State of Idaho, or his deputies to inspect and take samples of the above named articles that are

manufactured, kept for sale, or offered for sale, or sold within the State of Idaho and to cause the same to be tested and to enforce the provisions of this Act.

SEC. 3. Gasoline, benzine, naphtha, lubricating oil and grease, road oil and fuel oil must be sold under their true name and grades, respectively, and such names and grades must be impressed or otherwise plainly marked upon the barrel, can, vessel, or other container in which the same is stored, sold, offered or exposed for sale, respectively, or upon a label conspicuously and securely fastened thereto, giving the true name and grade of the product, name and address of manufacturer or dealer, who sells the same.

SEC. 4. That for obtaining information regarding the suspected violation of this Act, the State Dairy, Food and Sanitary Inspector or his deputies shall have access to all places where the above named articles are sold, offered for sale or kept for sale, manufactured or transported, or stored, and may take samples therefrom for analysis, tendering payment therefor. Any person obstructing such entry or inspection, or failing upon request to assist therein shall be guilty of a misdemeanor and shall be punished as provided in Section 1 of this Act.

SEC. 5. Possession by any person of any of the articles above named in this Act shall be considered prima facie evidence that the same is kept by such person for sale and, if in violation of this Act, the inspector shall be authorized to seize upon and take possession of such article and upon the order of any court of competent jurisdiction he shall destroy the same, provided that in case the legal disability which exists against such article is one which can be removed by proper labeling, the inspector shall relabel and sell the same and pay the proceeds into the State Treasury.

SEC. 6. That the standards of quality, purity and strength for gasoline, benzine, naphtha, lubricating oil and grease, road oil and fuel oil that have been or shall be adopted by the Bureau of Mines of the United States Department of the Interior, are hereby declared to be the standards of quality, purity and strength for the above named articles in the State of Idaho.

SEC. 7. That the State Chemist is directed to make all analyses and tests of articles inspected in this Act and to employ, in such analyses and tests, the standard methods of analy-

ses which have been or shall be adopted by the Bureau of Mines of the United States Department of the Interior.

SEC. 8. In all prosecutions arising under this Act the certificate of the State Chemist, when duly sworn to by such officer, shall be prima facie evidence of the fact or facts therein certified, or in case it is necessary for the State Chemist to appear as a witness in Court, the judge of the court or the Probate Judge of the County, wherein such trial shall be held, shall issue a subpoena for his attendance at the trial and it shall be the duty of the State Chemist to obey such subpoena, and all his actual and necessary expenses shall be paid by the County wherein such trial is held in the same manner that county officers are paid and, in case of conviction, shall be charged to the defendant as part of the costs of prosecution.

SEC. 9. It shall be the duty of the Attorney General of the State of Idaho or the Prosecuting Attorney in any County of the State, when called upon by the State Dairy, Food and Sanitary Inspector to render all legal assistance in their power to execute the provisions of this Act and to prosecute cases arising under this Act.

SEC. 10. When adulterated or misbranded gasoline, benzine, naphtha, lubricating oil and grease, road oil and fuel oil are found under the provisions of this Act, it shall be the duty of the State Dairy, Food and Sanitary Inspector to publish the fact in, at least, one newspaper, published in the county in which such adulterated or misbranded article or articles is found, giving the name of the article, the name of the manufacturer, the name of the dealer or person selling or offering the same for sale and such other information as will be beneficial to the consumers.

SEC. 11. That the word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person.

SEC. 12. That for the purposes of this Act an article shall

be deemed to be adulterated: First—If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality, purity or strength. Second—If any substance has been substituted, wholly or in part, for the article. Third—If the article fail to conform to any of the requirements of the standards of quality, purity and strength adopted by the Bureau of Mines of the United States Department of the Interior. That the term “misbranded,” as used herein, shall apply to all articles, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, or the properties of such article which are false or misleading in any particular whatsoever.

SEC. 13. That the sum of FIVE HUNDRED (\$500.00) DOLLARS, or so much thereof as is necessary is hereby appropriated for the purchase of the necessary equipment to carry out and enforce the provisions of this Act.

SEC. 14. That all fines, exclusive of costs, collected by any of the courts of this State, as penalties, for the violation of this Act or any of its provisions, shall be paid by the proper officers of said court to the State Treasurer of the State of Idaho.

SEC. 15. All acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 12, 1917.

CHAPTER 125.

(H. B. NO. 89.)

AN ACT

TO AMEND SECTION 2659 OF ARTICLE 3, CHAPTER 2 OF TITLE 2 OF THE REVISED CODES OF THE STATE OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2659 of Article 3, Chapter 2 of Title 2 of the Revised Codes of the State of Idaho be amended to read as follows:

Section 2659. A divorce must not be granted unless the plaintiff has been a resident of the State for twelve months next preceding the commencement of the action and of the county in which the action is instituted for six months where

the cause of action arises outside this State: *Provided*, That the time within which such action may be commenced shall be determined by the law in force at the time the action is filed.

SEC. 2. This Act shall not take effect until six months from and after its passage and approval.

Approved March 13, 1917.

CHAPTER 126.

(S. B. No. 102.)

AN ACT

TO CREATE A STATE BOARD OF ACCOUNTANCY, AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE EXAMINATION OF, AND ISSUANCE OF CERTIFICATES TO, QUALIFIED APPLICANTS, WITH THE DESIGNATION OF CERTIFIED PUBLIC ACCOUNTANT, AND TO PROVIDE THE PENALTY FOR VIOLATIONS OF THE PROVISIONS THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Within ten days after this act shall go into effect, the Governor shall appoint three citizens of the State of Idaho, known to be reputable and skilled accountants, as a Board of Accountancy of the State of Idaho. The accountants, so appointed shall hold office, as respectively designated in their appointments, for the terms of one, two and three years as hereinafter provided, and until their successors have been duly appointed. The members of such board shall within thirty days after their appointment, take and subscribe to the oath of office as prescribed by the Statutes of the State of Idaho, and file the same with the Secretary of State. Thereafter the Governor shall annually appoint one certified public accountant, as hereinafter defined, to fill the vacancy annually occurring in said board, such appointment to be for the term of three years. In case of a vacancy in the board occurring from any cause, the Governor shall fill the vacancy by appointing a certified public accountant as a member of the Board for the remainder of the unexpired term.

SEC. 2. The State Board of Accountancy shall have its office at such place in the State of Idaho as shall be designated by the board and its powers and duties shall be as follows:

First: To formulate rules for the government of the board and for the examination of, and granting of certificates of qualification to, persons applying therefor.

Second: To hold written examination of applicants for such certificates, at least semi-annually, at such places as circumstances and applications may warrant. Proper notice of time and place for such examinations shall be published at least thirty days prior to the time of holding same.

Third: To grant certificates of qualifications to such applicants as may, upon examination be found qualified in "Theory of Accounts," "Practical Accounting," "Auditing," and "Commercial Law," as applied to accounting, to practice as certified public accountants.

Fourth: To charge and collect from all applicants such fee, not exceeding Twenty-five Dollars (\$25.00), as may be necessary to meet the expenses of examination, issuance of certificates and conducting its office; *Provided*, That all such expenses, including not exceeding Five Dollars (\$5.00) per day for each member while conducting examinations, must be paid from the current receipts; and no portion of said expenses shall ever be paid from the State Treasury.

Fifth: To revoke for cause such certificate, after written notice to the holder, and a hearing had thereon.

Sixth: To report annually to the Governor, on or before the first day of January in each year, all certificates issued or revoked during the preceding year, together with a detailed statement of receipts and disbursements; *Provided*, That any balance remaining in excess of the expenses incurred shall be transferred annually to the common school fund of the State.

Seventh: The board shall, without examination, issue a certificate of certified public accountant to any accountant, of good moral character, who has been in the practice of accounting in the State of Idaho three years next prior to the passage of this Act, and who shall apply in writing for such certificate within six months thereafter.

Eighth: Every certified public accountant, during the time that he continues the practice of his profession, shall, annually, on such date as the Board of Accountancy may determine, pay to the secretary of said Board of Accountancy a fee of One Dollar, in return for which payment he shall receive a renewal certificate for one year.

SEC. 3. An applicant for certificate under this Act shall be a citizen of the United States, or a person who has declared his intention of becoming such citizen, residing and doing business in the State of Idaho, over the age of twenty-one years, and of good moral character. He shall have a high school education, or an education which, in the judgment of the State Board of Accountancy, is equivalent to that of a high school graduate, and shall have had at least three years of practical experience in accounting, the last year of which shall have been in the State of Idaho. Applicants having passed the examination before the State Board of Accountancy, under its rules, with an average grade of not less than 75% on each subject, shall be entitled to have issued to him a certificate of qualification to practice as a certified public accountant, and upon issuance and receipt of such certificate and during the period of its existence he shall be styled and known as a Certified Public Accountant, and no other person shall be permitted to assume and use such title, or to use any words, letters or figures to indicate that the person using the same is a Certified Public Accountant.

SEC. 4. Holders of certificates as Certified Public Accountants from any other State shall be entitled to practice in this State, without examination, provided the standard of the State issuing such certificate shall be as high in the estimation of the Board, as the standard of this State, and the State issuing such certificates be one which reciprocates by recognizing certificates from this State. Said applicant shall pay a fee of Five Dollars (\$5.00) to the Secretary of the Board, and the renewal fee each year as provided in paragraph 8 of Section 2, and receive a certificate before engaging in practice as a Certified Public Accountant in this State.

SEC. 5. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine in any sum not exceeding One Hundred (\$100.00) Dollars.

Approved March 15, 1917.

CHAPTER 127.

(H. B. No. 104.)

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF SELWAY IN THE STATE OF IDAHO SUBJECT TO THE APPROVAL OF THIS ACT BY A MAJORITY OF THE QUALIFIED ELECTORS THEREIN; TO DEFINE THE BOUNDARIES THEREOF AND TO DEFINE THE BOUNDARIES OF IDAHO AND LEWIS COUNTIES; TO DESIGNATE THE TEMPORARY COUNTY SEAT OF SAID SELWAY COUNTY, AND TO PROVIDE FOR SUBMITTING TO THE ELECTORS OF SAID SELWAY COUNTY THE QUESTION OF THE DETERMINATION OF THE PERMANENT COUNTY SEAT OF SAID COUNTY; AND FOR THE HOLDING OF AN ELECTION IN SAID PROPOSED COUNTY OF SELWAY UPON THE QUESTION OF THE CREATION AND ORGANIZATION OF SAID PROPOSED COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF IDAHO AND LEWIS COUNTIES BETWEEN IDAHO AND LEWIS COUNTIES, RESPECTIVELY, AND SELWAY COUNTY; TO PROVIDE FOR THE APPOINTMENT AND QUALIFICATION OF OFFICERS IN SAID SELWAY COUNTY, AND FOR TRANSCRIBING THAT PORTION OF THE RECORDS OF IDAHO AND LEWIS COUNTIES PERTAINING TO PERSONS AND PROPERTY WITHIN SELWAY COUNTY, AND TO CONSTITUTE THE COUNTY OF SELWAY A PART OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO; TO PROVIDE FOR THE TRANSFER OF ACTIONS AND PROCEEDINGS APPERTAINING TO PERSONS AND PROPERTY WITHIN SAID SELWAY COUNTY FROM THE DISTRICT AND PROBATE COURTS OF SAID IDAHO AND LEWIS COUNTIES; AND FOR THE REPEAL OF CONFLICTING ACTS AND FOR OTHER PURPOSES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There shall be and there is hereby created and formed out of a portion of Idaho County and a portion of Lewis County of the State of Idaho a new county to be called Selway County, to be organized as hereinafter provided; *provided, however,* that the majority of the qualified electors within the territory comprising the proposed new county, as hereinafter defined and described, voting at the election hereinafter provided for shall vote in favor of this Act becoming operative for the purposes of the creation and organization of the said County of Selway in the manner hereinafter provided

by an election to be called and held for that purpose in said territory.

SEC. 2. All that portion of the present county of Idaho and all that portion of the present County of Lewis in the State of Idaho included within the following boundaries, to-wit:

Beginning at the point where the range line between Ranges Two (2) and Three (3) East, Boise Meridian, intersects the middle of the channel of Lawyers-Canyon Creek on the present boundary between Idaho and Lewis Counties; thence running up the center of the channel of Lawyers-Canyon Creek to the point where the section line between Sections Thirty-three (33) and Thirty-four (34) of Township Thirty-three (33) North, Range Two (2) East, Boise Meridian, intersects said creek on said boundary; thence south on said section line to the southwest corner of Section Twenty-seven (27) Township Thirty-Two (32) North, Range Two (2) East, Boise Meridian; thence east to the southeast corner of Section Twenty-eight (28), Township Thirty-two (32) North, Range Three (3) East, Boise Meridian; thence south to the southwest corner of Section Ten (10), Township Thirty-one (31) North, Range Three (3) East, Boise Meridian; thence east to the southeast corner of Section Eleven (11); Township Thirty-one (31) North, Range Three (3) East, Boise Meridian; thence south on the section line between Sections Thirteen (13) and Fourteen (14), Township Thirty-one (31) North, Range Three (3) East, Boise Meridian, and a continuation thereof to a point where the same intersects the south boundary line of the Nez Perce Indian Reservation; thence in a southeasterly direction along said reservation line to a point where the same intersects the section line running east and west between Sections Nineteen (19) and Thirty (30), Township Thirty-one (31) North, Range Four (4) East, Boise Meridian; thence east along said section line and a continuation thereof to a point where the same intersects the middle of the channel of the south fork of the Clearwater River; thence up the middle of the channel of said stream to a point where the same intersects the section line running east and west between Sections Four (4) and Nine (9), Township Thirty (30) North, Range Four (4) East, Boise Meridian, which section line is also the north boundary line of the Nez Perce National

Forest; thence east along said section line to the southeast corner of Section Three (3), Township Thirty (30) North, Range Four (4) East, Boise Meridian; thence north to the northeast corner of said last named section; thence east along the north township line of said Township Thirty (30) North, Range Four (4) East, Boise Meridian, to the northeast corner of said township; thence north along the east township line of Township Thirty-one (31) North, Range Four (4) East, Boise Meridian, to the northeast corner of Section Thirty-six (36) in said township; thence east along the section line between Section Thirty (30) and Thirty-one (31) and Twenty-nine (29) and Thirty-two (32) in Township Thirty-one (31) North, Range Five (5) East, Boise Meridian, to the southeast corner of Section Twenty-nine (29) in said township; thence north along the section line between Section Twenty-nine (29) and Twenty-eight (28) and Twenty (20) and Thirty-one (31) in said last named township to a point where the same intersects the south boundary line of the Selway National Forest; thence easterly following the boundary line between the Nez Perce National Forest and the Selway National Forest along the divide separating the waters of the South Fork and the Middle Fork of the Clearwater River on and along the said boundary line between the said national forests to the present state line between the State of Idaho and the State of Montana; thence northerly following the present defined boundary line between the State of Idaho and the State of Montana to the Lolo Pass at the summit of the Bitter Root mountains; thence following the present boundary line between Idaho and Clearwater Counties in a direct line to the head of Lolo Creek; thence down the middle of the channel of Lolo Creek to the mouth of Lolo Creek; thence up the middle of the channel of the Clearwater River to a point where the section line between Sections Twenty-one (21) and Twenty-two (22) and Twenty-eight (28) and Twenty-seven (27) of Township Thirty-four (34) North, Range Three (3) East, Boise Meridian, intersects the middle of the channel of the said river; thence south along said section line between said Sections Twenty-eight (28) and Twenty-seven (27) and Thirty-three (33) and Thirty-four (34) of said Township Thirty-four (34) North, Range Three (3) East, Boise Meridian, and between Sections Four (4) and Three (3) and Nine (9) and Ten (10) of Township Thirty-three (33) North, Range

Three (3) East, Boise Meridian, to the point where the said section line intersects the middle of the channel of Lawyers-Canyon Creek; thence up the middle of the channel of said Lawyers-Canyon Creek to the place of beginning shall constitute the County of Selway.

SEC. 3. All that portion of Idaho County within the State of Idaho not embraced within the boundaries of the County of Selway, as defined in Section 2 of this Act, shall remain and constitute the County of Idaho. All that portion of Lewis County within the State of Idaho not embraced within the boundaries of the County of Selway, as defined in Section 2 of this Act, shall remain and constitute the County of Lewis, provided, however, a majority of the qualified electors voting in the territory comprising the proposed new county vote in favor of making this Act become operative by the creation of said county at the special election hereinafter provided for, but, unless a majority so voting vote in favor of the creation of such Selway County, then the boundaries of Idaho and Lewis Counties shall not be affected or changed by this Act.

SEC. 4. The Governor of the State of Idaho is hereby authorized and directed forthwith, when the creation of Selway County under this Act becomes effective, to appoint for the said County of Selway the following officers, to-wit: Three (3) county commissioners, one (1) sheriff, one (1) clerk of the district court who shall be ex-officio auditor and recorder and clerk of the board of county commissioners, one (1) county assessor, one (1) county treasurer, one (1) probate judge, one (1) surveyor, one (1) coroner, one (1) prosecuting attorney and one (1) county superintendent of public instruction. The officers so appointed shall hold their respective offices and discharge the duties thereof until their successors are elected and have qualified, as is or may hereafter be provided by law.

SEC. 5. Within ten (10) days after their appointment the county commissioners appointed by the Governor shall qualify by taking the oath of office before the Judge of the Second Judicial District of the State of Idaho or before the Clerk of the District Court of Idaho County: *Provided*, The bonds of such commissioners may be approved by the said district judge or the clerk of said district court, and the other officers so appointed shall, as soon as practicable thereafter, qualify in the manner provided by law and enter upon their respective duties.

SEC. 6. For the purpose of determining the salaries of the county commissioners, Selway County, until otherwise provided, is hereby declared to be a county of the third class.

SEC. 7. The territory of the said Selway County, for judicial purposes and the enforcement of laws against crime, shall be deemed to remain within the jurisdiction of the Counties of Idaho and Lewis, respectively, until the officers of Selway County have been appointed and qualified as herein provided.

SEC. 8. The temporary county seat of Selway County is hereby located at the Village of Kooskia, within the said county; *Provided*, That at the general election in the year 1918 the question of the permanent location of the county seat of Selway County shall be submitted to the electors of Selway County and shall be determined by a majority of the electors voting on such question at said election.

SEC. 9. That the county commissioners of Selway County shall, immediately after their appointment and qualification, as provided in Section Five (5), meet in the temporary county seat of said county and organize for the transaction of business, and provide a suitable place within the limits of said county seat for the accommodation of county officers, the safe keeping of county records and property, the custody of prisoners and the regular and proper transaction of public business. They shall also at such meeting divide said county into three (3) commissioners' districts and shall establish precincts for said county and appoint officers thereof, who shall hold their respective offices until their successors are elected and qualified; *Provided, however*, That where, at the general election of the year 1916, officers were elected in precincts established in the territory comprising Selway County while the same was a part of Idaho or Lewis Counties, such officers shall continue in office for such part or all of their respective precincts as said board of county commissioners may prescribe during the full term for which they were elected.

SEC. 10. Within ten (10) days after the qualification of the county commissioners of Selway County, the board of county commissioners of said county shall meet and shall appoint two competent accountants, one of whom shall be designated to act in settlement with Idaho County and one of whom shall be designated to act in settlement with Lewis County,

as hereinafter provided, and the Boards of County Commissioners of the counties of Idaho and Lewis, respectively, shall meet and each of said boards shall appoint a competent accountant. One of the said accountants so appointed by the Board of County Commissioners of Selway County and the accountant so appointed by the Board of County Commissioners of Idaho County shall constitute an auditing board and board of appraisers for the said counties of Selway and Idaho, and one of said accountants so appointed by the Board of County Commissioners of Selway County and the accountant so appointed by the Board of County Commissioners of Lewis County shall constitute an auditing board and board of appraisers for the said counties of Selway and Lewis, and said auditing board and board of appraisers for Selway and Idaho Counties shall, within five (5) days after their appointment, meet at the City of Grangeville, in Idaho County, and said auditing board and board of appraisers for Selway and Lewis Counties shall, within five (5) days after their appointment, meet at the Village of Nez Perce in Lewis County, and said boards shall, respectively, after taking the usual oath of office, then and there proceed to ascertain from the county records the whole indebtedness, if any, respectively, of said counties of Idaho and Lewis, as said counties existed prior to the subdivision thereof as herein made, and shall make statement and determine the value of all the public property belonging to Idaho and Lewis Counties, respectively, and report thereon, and shall compute from the assessment rolls of said counties, respectively, for the year 1916, the total taxable property of each of said counties, and shall determine the amount of money in the possession or under the control of the County Treasurers of said Idaho and Lewis Counties, respectively, including school moneys and school funds and money belonging to municipal corporations located within the territory of said new county, and shall make full statement and report of all of said matters and of all other matters proper to be audited and reported upon in order to make a full and satisfactory adjustment and settlement between said counties, with their conclusion as to the amount due from one county to the other upon the settlement of such indebtedness, if any, and of such public property and for and on account of the money in the hands or under the control of the county treasurers as aforesaid, and shall file a copy of all such statements, reports and conclusion

with the board of county commissioners of each of said counties. The indebtedness of said Counties of Idaho and Lewis, respectively, if any, and the value of the public property of said counties; as determined in the manner provided in this Act, and all moneys belonging to the general funds of the counties shall be apportioned between said counties in proportion to the assessed valuation of the taxable property of said counties as shown by the assessment rolls for the year 1916. In the event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined they shall choose a third competent person to assist them and the decision of any two shall control. Either of said counties may, if dissatisfied with the statements, reports or conclusion of said accountants, appeal to the District Court of said Idaho or Lewis Counties, respectively. For whatever amount is found to be due from either of said counties to the other in the manner above provided, the board of county commissioners of the debtor county shall cause county warrants to be drawn by the county auditor of said county for the amount so due, payable to the creditor county. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and, in the event of a third one being employed, one-half ($\frac{1}{2}$) of his compensation shall be paid by each of said counties. Said accountants shall, as nearly as practicable, divide between the respective counties equally all chattel property of the old county which is capable of division. The title to real property and tax sale certificates for real property to which the former Counties of Idaho and Lewis, respectively, shall have acquired any right, title or interest by virtue of tax deeds or tax sales heretofore made shall vest in the county in which the same is situate.

SEC. 11. That as soon as practicable after this Act becomes effective the county commissioners of Selway County shall employ some competent person to transcribe in suitable books to be furnished by Selway County all matters of record pertaining to persons or property within Selway County of record in Idaho and Lewis Counties, respectively, at the date of such transcription which should be of record in Selway County, and such record, when so transcribed, shall be delivered to the proper officers of Selway County, together with an affidavit

of the person transcribing or comparing the same that the transcription is a full and true copy of the original records of Idaho and Lewis Counties, respectively, pertaining to the matters and things therein mentioned. And such record, when so transcribed and delivered, shall be the official public records of Selway County of all matters and things to which they refer and shall have the same force and effect and validity as the original records. The person employed by the county commissioners under the provisions of this section shall be allowed such reasonable compensation as may be fixed by contract at the time of such employment, to be paid by Selway County. Any records, instruments, documents, files, maps and plats of Idaho and Lewis Counties, respectively, which relate wholly to persons, property, matters or things located in Selway County or to judicial actions or proceedings properly within the jurisdiction of the courts of Selway County shall, by the officers of Idaho and Lewis Counties, respectively, in whose possession or custody they are when this Act becomes effective, be delivered to the proper officers of Selway County without being transcribed, and when so delivered shall be a part of the records of Selway County. All taxes imposed upon persons and property within the boundaries of Selway County and unpaid at the time this Act becomes effective shall be paid to and collected by the proper officers of Selway County.

SEC. 12. Selway County shall, until otherwise provided by law, be included in the Second Judicial District of the State of Idaho. Terms of the district court in said county shall be fixed by the judge of said district.

SEC. 13. All actions and proceedings pending in the District Court or in the Probate Court of Idaho and Lewis Counties, respectively, at the date of this Act takes effect and which would have been within the jurisdiction of the courts of Selway County had Selway County existed when such action or proceeding was commenced, shall be transferred to Selway County. The Judge of the said District Court or the Probate Judge of Idaho and Lewis Counties, respectively, shall, upon application of interested parties or otherwise, when necessary, make such order relative to the transfer of causes so pending in such courts, respectively, from Idaho or Lewis County to Selway County, as the ends of Justice may require.

SEC. 14. That all the papers, files, statements, transcripts and other records, matters and things transferred from Idaho and Lewis Counties or any of the officers of either of said counties to Selway County or any of the officers thereof pursuant to the provisions of this Act, are hereby declared to be a part of the legal and official records of said last named county to the same extent and effect as the originals thereof, and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 15. That until otherwise provided by law Selway County shall constitute one senatorial district of the State of Idaho, and be entitled to one senator, and shall also elect one member of the House of Representatives.

SEC. 16. All organized and existing school and road districts, villages and other municipalities, the whole of which are included in the territory of Selway County, created as herein provided, shall continue to be organized school and road districts, villages and municipalities, as the case may be, within Selway County, and the officers thereof shall continue to be such until their successors are elected and qualified. In case the boundary line between the Counties of Idaho and Selway or the boundary line between the Counties of Lewis and Selway shall divide any established road district, all such fractional road districts shall be deemed to be unorganized territory, and it shall be the duty of the county commissioners of the counties in which such fractions are situated to attach such fractional parts of former road districts to adjoining road districts in their county or to form separate road districts thereof, as they may determine to be best, and in case of a school district being so divided such school district shall be deemed to be and is hereby constituted a joint school district of said Idaho and Selway Counties or of the said Lewis and Selway Counties, as the case may be, and all moneys and property which shall belong to any school or road district which shall be so divided shall be apportioned and adjusted by the appraisers and by appropriate orders of the boards of county commissioners of the respective counties according to the assessed valuation of such fractional road district, and in case of a divided school district, in accordance to the law governing joint school districts, as near as may be.

SEC. 17. The County Assessors of Idaho and Lewis Coun-

ties, respectively, shall, immediately after the organization of Selway County, proceed to make and certify to a copy of all the tax rolls of his office in so far as they show the unpaid taxes against person, firms, corporations and property in the territory included in the County of Selway, and, as soon as completed, shall deliver said copy to the County Assessor of Selway County. Said copy of the tax rolls shall be official records of the last named county, with the same force and effect as the originals thereof, and the same shall be authority for the Tax Collector of Selway County to collect said unpaid taxes in any manner authorized by law.

SEC. 18. The County Treasurers of Idaho and Lewis Counties, respectively, shall, as soon as the County Treasurer of Selway County is qualified to act, pay over to the County Treasurer of said Selway County all school money in his hands belonging to the district schools and independent school districts in Selway County, and shall also pay to the municipal corporations in Selway County all funds in his hands belonging to such municipal corporations.

SEC. 19. That all general laws of the State of Idaho applicable to the several counties of the State and the officers thereof are hereby made applicable to Selway County and the officers thereof, except as otherwise provided in this Act.

SEC. 20. That on the first Monday in July, 1917, a special election shall be called and held within and for the territory comprising the proposed new County of Selway for the purpose of submitting to the qualified electors therein the question of the creation and organization of Selway County pursuant to the provisions of this Act. The Boards of County Commissioners of Idaho and Lewis Counties, respectively, shall, at their July quarterly meeting next following the passage and approval of this Act, call a special election to be held in the portions of their respective counties constituting the proposed new County of Selway to carry out the provisions of this Act.

Said election shall be called for and be held in each voting precinct in said proposed new County of Selway as said precincts have been heretofore established; *Providing*, That if the boundary line of Selway County shall divide any voting precinct of either Idaho or Lewis Counties, as at present constituted, then the board of county commissioners of the county

in which said division shall occur shall, at its discretion, re-establish, for the purpose of this election, said divided precinct as a voting precinct by itself or annex the same, for the purpose of this election, to any adjoining precinct, and shall publish notice for the same length of time as a notice of election, setting forth the creation and alteration of any such voting precinct, and shall have full power to annex and establish voting places in any such newly created or altered voting precinct and to appoint officers of election as nearly as practicable in the manner provided for general elections. The Boards of County Commissioners of said Idaho and Lewis Counties shall cause their respective county clerks to prepare and give due notice of said special election and publish the same for at least two weeks in some newspaper published in said new County of Selway having a general circulation therein, and said county clerks shall also send three notices in substantial compliance with the provisions of Section 354 of the Revised Codes of Idaho to a judge of election of each of said precincts who acted at the last general election therein, or, if there is a vacancy in such judgeship, to a judge appointed by the county commissioners for such special election. Said judge of election to whom the said notice shall be sent shall post the same in accordance with the requirements of Section 355 of the Revised Codes of Idaho as amended by Chapter 92 of the Session Laws of 1913. The County Clerks of the said Idaho and Lewis Counties shall each prepare for the portion of their respective counties proposed to be incorporated in the County of Selway ballots, as provided herein, poll lists and all other necessary election material and supplies, to be used at such election, as nearly as practicable in the same manner as for general elections, and transmit the same to the proper officers as provided by the general election laws of the State of Idaho. In all other matters and things said election shall be conducted as nearly as practicable in conformity to the general election laws of the State of Idaho. The officers of said election precincts shall qualify before commencing their duties in the same manner as is required of such officers in general elections. The county commissioners shall designate and provide voting places in said election precincts in as nearly as practicable the same manner as for general elections.

That at said special elections herein provided for every elector duly qualified under the laws of Idaho to vote at a

general election in said State shall be entitled to vote, provided such elector has been a resident of said new county for ninety days prior to said election. Said election shall be conducted in all respects, except in the matter pertaining to the registration of voters, as provided by the laws of Idaho governing general elections, unless herein otherwise specially stated.

That forms of ballots shall be prepared by the respective County Clerks of Idaho and Lewis Counties and transmitted for use in said election, as hereinbefore provided, which said ballot shall be for the purpose of determining whether or not the said County of Selway shall be created and be in substantially the following form, to-wit:

For Selway County-----(.)

Against Selway County ---(.)

The elector shall make a cross (X) with a pen or pencil at the circle opposite the words "For Selway County," if such elector desires to vote in favor of the creation of the proposed new County of Selway, or such elector shall make a cross (X) with a pen or pencil in the circle opposite the words on said ballot, "Against Selway County," if such elector desires to vote against the creation of said proposed Selway County, and the marks so made shall be considered as expressing such voter's intention; and if a majority of the electors voting at said election vote in favor of creating said proposed new County of Selway, then the same shall be so created; and if a majority of the electors voting at the said election vote against the creation of said proposed new County of Selway, then the same shall not be created but the territory embraced within the proposed new County of Selway shall remain as at present, a portion of said Idaho and Lewis Counties, respectively, until otherwise changed by law.

Immediately after the closing of the polls at said special election in the several voting precincts in said proposed new County of Selway the judges and clerks of said election in the respective precincts shall canvass the votes cast thereat and so tabulate the same as to clearly show the results as to votes cast for and against the creation of said County of Selway and certify the results thereof to the boards of county commissioners of their respective counties of Idaho and Lewis, and on the Monday after the holding said election the said

boards of county commissioners shall meet at their offices at the county seats of said counties at two o'clock P. M. of said day and canvass the returns of said election and immediately certify the result thereof to the Governor of Idaho.

That if the majority of the votes cast at said special election are in favor of the creation of said County of Selway, the Governor shall, within five days after receiving the returns of said special election issue his proclamation declaring the result of said election and the creation of said County of Selway and shall name and appoint the several officers in and for said county as provided in section 4 hereof. Said officers so appointed shall qualify and commence their duties as hereinbefore in this Act provided.

That the cost of holding said special election, if favorable to, and the creation of said Selway County, if approved by the majority of the votes cast at said election, shall be paid by said proposed new County of Selway and chargeable to its portion of liabilities between it and the Counties of Idaho and Lewis at the settlement of the indebtedness to be apportioned between said counties.

SEC. 21. All acts and parts of acts inconsistent with this Act are hereby repealed.

Approved March 14, 1917.

CHAPTER 128.

(S. B. No. 106.)

AN ACT

TO AMEND SECTION 2 OF CHAPTER 61 OF THE SESSION LAWS OF 1913 OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 13TH, 1913, ENTITLED, "AN ACT TO PROVIDE FOR THE ORGANIZATION OF THE PUBLIC UTILITIES COMMISSION, TO DEFINE ITS POWERS AND DUTIES AND THE RIGHTS, REMEDIES, POWERS AND DUTIES OF PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYEES AND THE RIGHTS, REMEDIES OF PATRONS OF PUBLIC UTILITIES, AND TO PROVIDE PENALTIES FOR OFFENSES BY PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYEES, AND BY OTHER PERSONS AND CORPORATIONS, APPROPRIATING THE NECESSARY FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT, REPEALING SECTION 2839 OF THE REVISED CODES OF THE STATE OF IDAHO, AND

CHAPTER 31, TITLE 8, OF THE REVISED CODES OF IDAHO, AND HOUSE BILL NO. 104 OF THE 1909 SESSION LAWS OF IDAHO, AND CHAPTER 49 OF THE 1911 SESSION LAWS OF THE STATE OF IDAHO, AND REPEALING ALL ACTS AND PARTS OF ACTS IN SO FAR AS THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT;" AS AMENDED BY CHAPTER 62 OF THE SESSION LAWS OF 1915.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of Chapter 61 of the Session Laws of 1913 of the Legislature of the State of Idaho, approved March 13th, 1913, as amended by Chapter 62 of the Session Laws of 1915, be amended to read as follows:

Section 2. (a) The term "Commission" when used in this Act, means the Public Utilities Commission of the State of Idaho.

(b) The term "Commissioner" when used in this Act, means one of the members of the Commission.

(c) The term "Corporation" when used in this Act, includes a corporation, a company, an association and a joint stock association, but does not include a Municipal Corporation, or mutual non-profit or co-operative gas, electrical, water or telephone corporation or any other public utility organized and operated for service at cost and not for profit, whether inside or outside the limits of incorporated cities, towns or villages.

(d) The term "Person" when used in this Act, includes an individual, a firm and a copartnership.

(e) The term "Transportation of Persons" when used in this Act includes every service in connection with or incidental to the safety, comfort, or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

(f) The term "Transportation of Property" when used in this Act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, tonnage, storage, and handling, and the transmission of credit by express corporations.

(g) The terms "Street Railroad" when used in this Act, includes every railway and each and every branch or extension

thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city or county, or city or town, together with all real estate, fixtures and personal property of every kind and description used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "Street railroad" when used in this Act, shall not include a railway constituted or used as a part of a commercial or interurban railway.

(h) The term "Street railroad corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this State.

(i) The term "Railroad" when used in this Act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights-of-way, subways, stations, tunnels, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

(j) The term "Railroad Corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this State.

(k) The term "Express Corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this State.

(1) The term "Common Carrier" when used in this Act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car cor-

poration or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this State; and every corporation or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this State.

(m) The term "Pipe Line" when used in this Act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

(n) The term "Pipe line Corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this State.

(o) The term "Gas Plant" when used in this Act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas (natural or manufactured), for light, heat or power.

(p) The term "Gas Corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation, within this State, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(q) The term "Electric Plant" when used in this Act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

(r) The term "electrical corporation" when used in this

Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this State, except where electricity is generated on or distributed by the producer through private property alone, solely for his own use or the use of his tenants and not for sale to others, and excepting also, where the electricity is to be used exclusively in operations incident to the working of metalliferous mines and mining claims, mills, or reduction and smelting plants, and the transmission lines and distribution systems are owned by the consumer or where several consumers severally own their individual distribution systems and jointly own, in their own names or through a trustee, the transmission lines used in connection therewith and transmit such electricity, whether generated by themselves or procured from some other source, over such transmission lines and distribution systems without profit, and to be used for their private uses for the purposes aforesaid in places outside the limits of incorporated cities, towns, and villages, and not for resale or public use, sale or distribution.

(s) The term "telephone line" when used in this Act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.

(t) The term "telephone corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telephone line for compensation within this State.

(u) The term "telegraph line" when used in this Act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires.

(v) The term "telegraph corporation" when used in this Act, includes every corporation or person, their lessees, trus-

tees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any telegraph line for compensation within this State.

(w) The term "water system" when used in this Act, includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use for hire.

(x) The term "water corporation" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this State.

(y) The term "vessel" when used in this Act, includes every species of water craft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property.

(z) The term "wharfinger" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf, or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation, within this State.

(aa) The term "warehouseman" when used in this Act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this State, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure owned, operated, controlled or managed by a wharfinger.

(bb) The term "public utility" when used in this Act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger and ware-

houseman, as those terms are defined in this section and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this Act; *Provided also*, that the term "public utility" as used in this Act shall cover cases both where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons, who in turn, either directly or indirectly or mediately or immediately, performs the services or delivers such commodity to or for the public or some portion thereof.

Approved March 20, 1917.

CHAPTER 129.

(S. B. No. 110.)

AN ACT

PREScribing CERTAIN CHANGES TO BE MADE IN THE STATE COURSE OF STUDY AUTHORIZING THE STATE BOARD OF EDUCATION TO APPOINT AN ADVISORY COMMISSION ON THE COURSE OF STUDY AND TO DIRECT ITS WORK, AND PROVIDING FOR THE PAYMENT OF THE EXPENSES OF SAID COMMISSION, AND REPEALING ALL CONFLICTING ACTS AND PARTS OF ACTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The state course of study for the elementary schools shall be so drawn that the fundamentals of said course may be covered in the minimum legal school term of seven months, and that additional advanced and supplementary matter shall be provided for schools having longer terms; *Provided*, That in place of such additional matter pupils who take the shorter term may receive an equivalent amount of credit for work done in the home, on the farm, and in other phases of practical and economic life. The State Board of Education shall draw up and issue a course of study in accordance with the above provisions not later than September 1, 1917.

SEC. 2. The State Board shall appoint an advisory commission to work under its direction and aid in revising the course of study, which commission shall include representa-

tives of the teaching profession and also an equal or greater number of members chosen from other occupations and walks of life, and representing the various sections of the state.

SEC. 3. The said Commission shall also consider other questions concerning the work of the public schools of the state. A comprehensive report of the work of the commission and of the actions of the State Board of Education in connection therewith shall be made to the Governor and the Legislature not later than January 1, 1919.

SEC. 4. The actual expenses incurred by the said Commission in the prosecution of its work shall be paid from any portion of the Teachers' Certification Fund which was accrued and unexpended on February 1, 1917. Said payments to be made upon claims certified by the State Board of Education and approved by the State Board of Examiners.

SEC. 5. That all Acts and parts of Acts in conflict with this Act be, and the same hereby are, repealed to the extent of such conflict.

Approved March 15, 1917.

CHAPTER 130.

(S. B. No. 114.)

AN ACT

RELATING TO DAMS AND BOOMS IN THE CLEARWATER RIVER AND TRIBUTARIES THEREOF AND PROVIDING THAT THE SAME AND THE USE THEREOF SHALL BE SUBJECT TO THE REGULATION AND CONTROL OF THE PUBLIC UTILITIES COMMISSION UNDER CHAPTER 61 LAWS OF 1913 AND ANY AMENDMENTS THEREOF HERETOFORE OR HEREAFTER ADOPTED, BUT, ONLY, WHILE AND AS TO ANY SERVICE, SUCH DAM OR BOOM OR THE OWNER THEREOF FOR HIRE OR COMPENSATION, FURNISHES THEREFROM TO THE PUBLIC AND REPEALING CHAPTER 59 OF LAWS OF 1915 AND ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That dams and booms may be constructed and maintained in the Clearwater river and the tributaries thereof in this State, *Provided, however,* that any such dam or boom has connected therewith a sluiceway or other fixture,

appliance or opening sufficient and so arranged as to permit floating timber in the form of loose logs, boards, planks, lumber, ties, poles, rails, posts, cordwood or beams but not in rafts, booms or brails, to pass around, through or over such dam or booms without unreasonable delay or hindrance and without any charge therefor.

SEC. 2. That this act shall not be construed to render inapplicable to the construction and maintenance of any such dam the provisions of Section 154-a and 155 of Idaho Revised Codes, being Section 154-a and 155 of the Political Code of Idaho, nor to authorize any person to construct or maintain a dam or boom upon land above highwater mark owned by another person, or to flood overflow or otherwise take, damage or interfere with land above highwater mark owned by another person, without the consent of such owner, unless the right to do so is first acquired by agreement, purchase, or condemnation; and that any such dam or boom and the use thereof, shall be subject to the regulation and control of the Public Utilities Commission, under Chapter 61 Laws of 1913 and any amendments thereof heretofore or hereafter adopted but, only, while and as to, any service, such dam or boom, or the owner thereof, for hire or compensation, furnishes therefrom to the public.

SEC. 3. That Chapter 59 of Laws of 1915 and all Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

Approved March 12, 1917.

CHAPTER 131.

(S. B. No. 115.)

AN ACT

TO AMEND SECTION 125 OF CHAPTER 159 OF THE SESSION LAWS OF 1911 OF THE STATE OF IDAHO, PAGE 483, BEING AN ACT PROVIDING A CODE OF LAWS ON EDUCATION FOR THE PUBLIC SCHOOL SYSTEM OF IDAHO.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 125 of Chapter 159 of the Session Laws of 1911 of the State of Idaho, page 483, be and the same is hereby amended to read as follows:

Section 125. (a) There must be an election for two (2) members of the board of trustees, to be held on the first Tuesday of September following the establishment of such district, and annually thereafter an election must be held to elect two (2) trustees. The clerk of the board must give at least ten (10) days notice of the time and place of such election by publication in a newspaper, and by three (3) posted notices in the district, and at all elections under this Article, voters must have the same qualifications as prescribed for the general elections in this State. At such elections, any person offering to vote may be challenged and required to take all oaths required for voters at the general elections in this State, and on refusing to take such oaths must not be allowed to vote. The board of trustees may appoint for all such elections two (2) judges and one (1) clerk. Voting must be by secret ballot, such ballots and list of votes to be kept for sixty (60) days by the secretary of said school board, and if, upon counting the ballots, there is a tie and three qualified persons have the highest and an equal number of votes, the board of trustees must select two (2) from the three (3), and when there is a failure to elect by reason of a tie vote, the board of trustees must select.

(b) If any trustee dies, removes from the district or ceases to have the qualifications for such office, or for any cause his office is vacant, or he neglects or refuses to act, or without excuse ceases to attend the meeting of the board for four successive regular meetings thereof, his office thereby becomes vacant and a majority of said board of trustees shall appoint another qualified person to fill the vacancy. A trustee so appointed shall hold office until the next regular election for said district, at which election a trustee shall be elected for the remainder of the unexpired term as above set forth.

Approved March 14, 1917.

CHAPTER 132.

(H. B. No. 122.)

AN ACT

TO AMEND CHAPTER 120 OF THE SESSION LAWS OF 1911,
BEING AN ACT WHICH PROVIDED FOR THE EXTERMINATION
OF NOXIOUS WEEDS, AND PROVIDING THE

METHOD THEREOF AND FIXING THE PENALTY FOR
THE VIOLATION THEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 120 of the Session Laws of 1911 be and the same hereby is amended to read as follows:

Section 1. It shall be the duty of the boards of county commissioners of the counties of the State of Idaho, upon their own initiative, or upon their failure to so act, it shall become their duty upon the petition of ten resident freeholders within such county, to issue an order within two weeks from receipt of said petition calling for the destruction, on any given agriculture area within such county, of such weeds (naming them) as are detrimental or destructive to agricultural crops. It shall be the duty of the county commissioners to post in three conspicuous places in said county a copy of said order and serve said order on the owner of the said property, if an individual, or upon the superintendent or managing agent, if a corporation, association or person or joint stock company. There shall be posted with said order a notice requiring the owner of agricultural lands within said county to exterminate all such weeds (naming them) on or before the date fixed in such order, and there shall be served with said order where the same is served a notice directed to the owners of said property in county requiring them to exterminate such weeds on or before the date fixed in said order.

SEC. 2. It shall be the duty of the board of county commissioners of every county in the State to cause to be entered of record an order declaring and specifying the kind of noxious weeds that are destructive to the agricultural interests of the county, and by such order shall fix the time and manner for the destruction of such weeds. It shall be the duty of the Extension Department of the University of the State of Idaho to co-operate with the county commissioners of each county within the State and to inform them of the names, habits and growth of noxious weeds which are prevalent in their counties and which are destructive to agricultural crops and to describe methods for the destruction of such weeds.

SEC. 3. And it shall be the duty of the board of county commissioners to proceed to destroy all noxious weeds of the kind included in the order of said board in the highways of the county within the time fixed by the notice provided for in

Section 1 of this Act, and, after the expiration of the time fixed in said notice, it shall be the duty of the board of county commissioners to proceed to destroy all such noxious weeds in the agriculture districts outside of public highways, and for that purpose have the right, either by them or by their order, to enter upon the premises of another, and they shall have the right to employ such help as may be necessary to complete such work within such time as will prevent such weeds from maturing and going to seed, and the cost of such additional help, together with their own compensation, as now fixed by law, shall be a legal claim against the county and paid out of current expense funds.

SEC. 4. It is the duty of the board of county commissioners, immediately after the work required of them by this Act is complete, to render to the county auditor of their county an itemized statement showing in detail total cost of destroying noxious weeds on any piece of land, railroad or right-of-way in the county outside of the public highways on which noxious weeds have been destroyed by them or under their direction, and the county auditor shall, under a proper heading, enter the same on the tax list as a charge against said land or right-of-way and against the owner thereof and that the charge shall be collected at the same time and in the same manner as general taxes and, when collected, shall be turned into the general county fund.

SEC. 5. If noxious weeds of any of the kinds included in the order of the board of county commissioners are growing on public lands or on lands of such poor quality as will make it impracticable to collect the cost of destruction from such lands or the owners thereof, such board of county commissioners shall have such weeds destroyed and the cost of destruction shall be paid from the general fund of the county: *Provided*, That it shall be the duty of the board of highway commissioners in every highway district in the State to destroy or cause to be destroyed any and all noxious weeds, within the meaning of this Act, growing within the boundaries of any public roads or highways within said highway district, and the cost of such work shall be paid out of any funds belonging to said highway district and in accordance with the provisions of this Act.

SEC. 6. Every person, company or corporation owning or

operating any canal, railroad or irrigating system in an agricultural district shall, within the time fixed by the order of the board of county commissioners, destroy all noxious weeds of the kinds included in the order of the board of county commissioners of the county in which any portion of such canal, railroad or irrigating system is located, and in the event that such weeds are not so destroyed the board of county commissioners of such county shall cause the same to be done and the cost of the destruction of any and all such weeds shall be assessed against such property as general taxes and be collectible the same as other taxes. Any person, company or corporation owning or operating such canal, railroad or irrigating system in an agricultural community and any such person and any officer or director of any such company or corporation failing to destroy such weeds within the time specified in said notice shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed One Hundred Dollars (\$100.00) and costs of prosecution.

SEC. 7. The amount of any charge or assessment, under the provisions of this Act, shall be subject to review and correction by action for that purpose brought by any person interested in the district court of the county wherein the property or any part thereof is situated within six months of the time of the filing of the board of county commissioners' itemized statement or the time of the assessment against the canal, railroad or irrigating system.

SEC. 8. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1917.

CHAPTER 133.

(H. B. NO. 125.)

AN ACT

TO AMEND SECTION 41 OF CHAPTER 61 OF THE ACTS OF THE TWELFTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 13, 1913, ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION OF THE PUBLIC UTILITIES COMMISSION, TO DEFINE ITS POWERS AND DUTIES AND THE RIGHTS, REMEDIES, POWERS AND DUTIES OF PUBLIC UTILITIES, THEIR OFFICERS,

AGENTS AND EMPLOYEES AND THE RIGHTS, REMEDIES OF PATRONS OF PUBLIC UTILITIES, AND TO PROVIDE PENALTIES FOR OFFENSES BY PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYEES AND BY OTHER PERSONS AND CORPORATIONS; APPROPRIATING THE NECESSARY FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT; REPEALING SECTION 2839 OF THE REVISED CODES OF THE STATE OF IDAHO, AND CHAPTER 31, TITLE 8 OF THE REVISED CODES OF IDAHO, HOUSE BILL NO. 104 OF THE 1909 SESSION LAWS OF IDAHO AND CHAPTER 49 OF THE 1911 SESSION LAWS OF THE STATE OF IDAHO, AND REPEALING ALL ACTS AND PARTS OF ACTS IN SO FAR AS THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41 of Chapter 61 of the Acts of the Twelfth Session of the Legislature of the State of Idaho be and the same is hereby amended to read as follows:

Section 41. Whenever a complaint is lodged with the commission, signed by any taxpayer and also signed by any county commissioner in any county to the effect that a public highway and a railroad cross one another in such county and that such grade crossing is unsafe and dangerous to travelers over such highway or railroad, it shall be the duty of said commission to investigate the crossing referred to in the complaint and if, after such investigation, the commission is of the opinion that the condition of the crossing warrants it it shall give notice to the said railroad of the filing of such complaint as provoked in this Act, and to furnish copy of the same to the railroad company and order a hearing thereon in the manner provided for hearings in this Act. If, upon such hearing, it shall appear to the satisfaction of the commission that the crossing complained of is unsafe and dangerous to human life, said commission may order and direct the railroad company to erect gates at said crossing, and place an employee in charge to open and close the same when engines or trains pass, or that a flagman be stationed at such crossing, who shall display a flag when an engine or train is about to pass, or that such crossing shall be provided with electric signal or other suitable device, as the commission determines, to afford such security as human life and the public travel reasonably require, and such railroad shall comply with the terms of such order.

Approved March 13, 1917.

CHAPTER 134.

(S. B. No. 133.)

AN ACT

TO AMEND SECTION 28 OF AN ACT PASSED BY THE TENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO APPROVED MARCH 6, 1909, AND BEING KNOWN AS HOUSE BILL NUMBER 105 ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF GRADED PUBLIC SCHOOLS IN THE CITY OF LEWISTON AND FOR THE ORGANIZATION AND GOVERNMENT OF INDEPENDENT SCHOOL DISTRICT NUMBER 1 OF NEZ PERCE COUNTY, IDAHO AND RELATING TO THE ASSESSMENT FOR TAXES IN SAID INDEPENDENT SCHOOL DISTRICT NUMBER 1, IN NEZ PERCE COUNTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 28 of an act of the tenth session of the Legislature of the State of Idaho, known as House Bill Number 105 and which was approved on the sixth day of March, 1909, be and the same is hereby amended to read as follows:

Section 28. Taxes and Deposits. Assessments for taxes of Independent School District No. 1 must be made and the same shall be equalized and collected by the County Officers of the County of Nez Perce, and the same as other taxes for State and County purposes. And the moneys arising therefrom shall be handled and accounted for by said County Officers and paid out from time to time as provided by the general school laws of the State of Idaho; *Provided, however,* That nothing herein contained shall alter, change or amend Section 22 of this Act, the same being Section 770 of the Local and Special Laws of the State of Idaho; and *Provided further,* That all moneys received or collected for or on behalf of Independent School District No. 1 of Nez Perce County, Idaho, shall be kept under a separate account by said County Officers and shall be deposited by said officers under the general depository laws of the State of Idaho, and the interest arising from such deposits shall be placed to the credit of said district and shall be the property of the same.

On or before the first Monday of July of each year, the County Assessor of Nez Perce County shall deliver to the Clerk of the Board of Directors of said Independent School District a statement showing the aggregate valuation of all

the taxable property in said Independent School District. The Board of Directors of said Independent School District shall on or before the first Monday of September in each year determine the rate of the school tax for said district, not to exceed, however, fifteen (15) mills on the dollar, and shall levy the same by resolution, and shall certify the rate and levy to the Assessor of Nez Perce County.

All County Officers of Nez Perce County are entrusted with the assessment, collection, paying over, and custody of said school taxes for said district, and their sureties shall be liable upon their official bonds for the faithful performance of their duties in the assessment, collection and safekeeping of said school taxes.

The County Assessor and ex-officio Tax Collector of Nez Perce County shall furnish and give a good and sufficient bond in an amount to be fixed by the Board of County Commissioners of Nez Perce County as a protection to said Independent School District No. 1. Said bond shall run to said Independent School District No. 1, of Nez Perce County, Idaho, and shall have therein provided the same conditions, requirements and penalties as are provided in the bond of said official as such County Assessor and ex-officio Tax Collector; *Provided*, That if said officer give a corporate bond the cost of said bond shall be borne by the District and the same rate paid therefor as is provided in the general laws of the State of Idaho.

Approved March 14, 1917.

CHAPTER 135.

(H. B. No. 145.)

AN ACT

AMENDING ARTICLE TWO (2), CHAPTER TWO (2), TITLE ELEVEN (11) OF THE POLITICAL CODE OF THE STATE OF IDAHO AS AMENDED BY CHAPTER 143 OF THE SESSION LAWS OF 1913, PAGE 506, AS AMENDED BY CHAPTER 22 OF THE SESSION LAWS OF 1915, PAGE 74, BY ADDING THERETO SECTION 1917x, AUTHORIZING COUNTY COMMISSIONERS TO CONTRACT TO PURCHASE AND TO PURCHASE AND PROVIDE FOR CARE OF SUCH LAW BOOKS AND PAMPHLETS AS SAID COMMISSIONERS MAY JUDGE FROM TIME TO TIME NECESSARY FOR USE OF THE DISTRICT COURT AND THE COUNTY OFFICIALS AND BAR OF

THE COUNTY, AND TO PROVIDE FOR THE CARE OF SUCH BOOKS AND PAMPHLETS AS MAY BE DONATED OR LOANED TO SUCH COUNTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Article Two (2), Chapter Two (2) of Title Eleven (11) of the Political Code of the State of Idaho as amended by Chapter 143 of the Session Laws of 1913, page 506, as amended by Chapter 22 of the Session Laws of 1915, page 74, is amended by adding thereto Section 1917x as follows:

Section 1917x. To contract to purchase and to purchase and provide for care by clerk of district court of such law books and pamphlets as said commissioners may judge from time to time necessary for use of the district court and the county officials and bar of the county, and to provide for the care of all such books and pamphlets as may be donated or loaned to the county from time to time.

Approved March 16, 1917.

CHAPTER 136.

(S. B. No. 147.)

AN ACT

AMENDING TITLE 13 OF THE PENAL CODE OF THE STATE OF IDAHO BY ADDING THERETO A NEW SECTION DESIGNATED AS SECTION 7178, DEFINING THE CRIME OF SABOTAGE WITH RESPECT TO SAW LOGS AND TIMBER, AND PRESCRIBING A PENALTY THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Title 13 of the Penal Code of the State of Idaho is hereby amended by adding thereto a new section designated as Section 7178, as follows:

Section 7178. Any person who wilfully, maliciously or mischievously drives or causes to be driven or imbedded any nail, spike or piece of iron, steel or other metallic substance or any rock or stone into any log or timber intended to be manufactured into boards, lath, shingles or other lumber or to be marketed for such purpose, is punishable by imprisonment in the state prison not more than five years or by imprisonment in the county jail not less than six months, or by

fine not to exceed five thousand dollars, in the discretion of the court.

Approved March 14, 1917.

CHAPTER 137.

(S. B. No. 149.)

AN ACT

AMENDING SECTION 7233 OF THE REVISED CODES OF IDAHO, BY DEFINING THE SOLICITING OR INCITING OF CRIME AS A MISDEMEANOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Section 7233 of the Revised Codes of Idaho is amended to read as follows:

Section 7233. Whenever an act is declared a misdemeanor, and no punishment for counseling, aiding in, soliciting or inciting the commission of such acts is expressly prescribed by law, every person who counsels, aids, solicits or incites another in the commission of such act is guilty of a misdemeanor.

Approved March 14, 1917.

CHAPTER 138.

(H. B. No. 155.)

AN ACT

FOR THE RELIEF OF E. L. OVERJORDE AND APPROPRIATING THE SUM OF SIX HUNDRED THREE AND FOURTEEN ONE-HUNDREDTHS DOLLARS (\$603.14).

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Six Hundred Three and Fourteen One-hundredths Dollars (\$603.14) be and the same is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the relief of E. L. Overjorde as full payment for all sums due to and claimed by the said E. L. Overjorde for damages sustained by reason of misdescription of state lands sold by the State of Idaho and purchased by the said E. L. Overjorde from the sale on the 24th day of October, 1911, at Coeur d'Alene, Kootenai County, Idaho, which said land conveyed is described as follows:

Lot Number Eight in Section Sixteen, Township Fifty North of Range Three West of the Boise Meridian, in Kootenai County, Idaho, and the State Auditor is hereby empowered and authorized and directed, upon surrender to said State Auditor of a legally executed and acknowledged quit claim deed to said lands to the State of Idaho and upon presentation to said auditor of a certified copy of this Act, to deliver to the said E. L. Overjorde a warrant upon the general fund of the State of Idaho in favor of E. L. Overjorde for the said sum of Six Hundred Three and Fourteen One-hundredths Dollars (\$603.14), and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 20, 1917.

CHAPTER 139.

(H. B. No. 156.)

AN ACT

FOR THE RELIEF OF CHARLES T. SCHATTNER, AND APPROPRIATING THE SUM OF EIGHT HUNDRED NINETY-EIGHT AND THIRTY-FIVE ONE-HUNDREDTHS DOLLARS (\$898.35).

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of Eight Hundred Ninety-eight and Thirty-five One-hundredths Dollars (\$898.35) be and the same is hereby appropriated out of any monies in the State Treasury not otherwise appropriated for the relief of Charles T. Schattner as full payment of all sums due to and claimed by the said Charles T. Schattner for damages sustained by reason of misdescription of state lands sold by the State of Idaho and purchased by the said Charles T. Schattner from the sale on the 24th day of October, 1911, at Coeur d'Alene, Kootenai County, Idaho, which said land conveyed is described as follows: Lot number Seven in Section Sixteen, Township Fifty North of Range Three West of the Boise Meridian, in Kootenai County, State of Idaho, and the State Auditor is hereby empowered and authorized and directed, upon surrender to said State Auditor of a legally executed and acknowledged quit claim deed to said lands to the State of Idaho, and upon presentation to said auditor of a certified copy of this Act, to deliver to the said Charles T. Schattner

a warrant upon the general fund of the State of Idaho in favor of Charles T. Schattner for the said sum of Eight Hundred Ninety-eight and Thirty-five One-hundredths Dollars (\$898.35), and the State Treasurer is hereby authorized and directed to pay said warrant.

Approved March 20, 1917.

CHAPTER 140.

(S. B. No. 158.)

AN ACT

PRESCRIBING QUALIFICATIONS FOR AGENTS OF LIFE INSURANCE COMPANIES OR ASSOCIATIONS, PROVIDING FOR AN INVESTIGATION BY THE INSURANCE COMMISSIONER, AND THE GRANTING AND REFUSING OR REVOKING OF A LICENSE TO SUCH AGENTS AND FOR AN APPEAL THEREFROM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Upon written notice by a life insurance company or association authorized to transact business in this State of its appointment of a person to act as its agent herein, and certificate, verified by an executive officer or managing agent thereof, that such company or association has duly investigated the character and record of such person, and satisfied itself that he is trustworthy to act as its agent and intends to hold himself out in good faith as a life insurance agent, the Insurance Commissioner shall, if he is satisfied that the appointee is a trustworthy person, issue to him a license which shall state, in substance, that the company is authorized to do business in this State, and that the person named therein is a constituted agent of the company in this State for the transaction of such business. Such notice and certificate shall be upon forms furnished by the Insurance Commissioner.

SEC. 2. The notice and certificate provided for in the preceding section, shall be accompanied by a statement by the person to be licensed as such agent, upon blanks to be furnished by the Insurance Commissioner, and such statement shall set forth the name in full, age, present residence, present occupation, and residence, and occupation of such person for two years next preceding the date of such notice, also whether

such person is married or single, and if married the place of residence of his family; whether such person has previously been engaged as an agent writing or soliciting life insurance, and if so for what company or companies, giving in detail such service for three years previous to the date of such notice, also what portion of his time he intends to devote to the writing of life insurance; whether he has ever been denied a license by any Insurance Commissioner, or his license been revoked, and the details in regard thereto; whether or not he is indebted to any insurance company for which he has worked and if so, the amount of such indebtedness and all the circumstances connected therewith, and whether or not he has arranged or secured the payment of the same. The Insurance Commissioner may require such further information as he may desire tending to show the qualification and character of such applicant and his fitness to be licensed as an agent to sell, and solicit for the sale, of life insurance. If the Insurance Commissioner is satisfied after such investigation that the applicant is a proper person to be licensed, he shall grant such license, and he may in his discretion refuse the same. The Insurance Commissioner may, at any time after the granting of such license, upon ascertaining that he has been deceived by the applicant in his application, or that the person so licensed is not a fit person to write life insurance, or that in the prosecution of his work he is violating any of the provisions of the laws of the State of Idaho with reference to life insurance, or for other good cause shown, and after a hearing, and upon determining that such person is unfit and untrustworthy to act as such agent, revoke such license, and shall notify both the company and the agent of such revocation. The action of the Insurance Commissioner in granting, revoking, or renewing, or refusing to grant, revoke or renew, such license, shall be subject to review upon appeal to the District Court of the Third Judicial District of the State of Idaho, in and for the County of Ada.

SEC. 3. Upon the termination of the employment of any agent the insurance company or association shall forthwith file with the Insurance Commissioner a statement of the facts relative to the termination of such employment and the cause thereof. An agent licensed on request of any such life insurance company or association may place excess or rejected risks

in any other company doing business in this State by and with the knowledge and approval of his own company or association, without additional or separate license. Unless revoked by the Commissioner or unless the company by written notice to the Commissioner cancels the agent's authority to act for it, such license or any other license issued to an agent or any renewal thereof shall expire on the 31st day of March next after its issue. But any license issued and in force when this act takes effect, or thereafter issued, may, in the discretion of the Commissioner, be renewed for a succeeding year or years by a renewal certificate without requiring the detailed information required by this Act. While such license remains in force a company shall be bound by the acts of the persons named therein within his apparent authority as its acknowledged agent.

Approved March 14, 1917.

CHAPTER 141.

(H. B. NO. 159.)

AN ACT

TO AMEND SECTION 1315 OF THE REVISED CODES OF IDAHO
AS AMENDED BY CHAPTER 18 OF THE LAWS OF 1913.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1315 of the Revised Codes of Idaho as amended by Chapter 18 of the Laws of 1913 be and the same is hereby amended to read as follows:

Section 1315. It shall be the duty of said inspectors or the State Inspector, either on their own motion or upon the complaint of interested parties, to enter and make or cause to be made inspection of any field, rights-of-way of any irrigation canals, railways, public highways, fields, orchards, nurseries, fruit packing houses, store rooms, sales rooms, depots or other places where fruits are grown or stored, and of fruits, trees, plants, vines, shrubs or other articles within the State supposed to be or liable to be infested with pests or with their eggs or larvae, or infested with any contagious disease injurious to fruits, plants, trees, shrubs or vines, as hereinafter provided. If, upon any inspection, there be found any disease or pests, eggs, larvae of any pests injurious to fruits, plants, trees, shrubs or vines, the inspector shall notify the owner or own-

ers or the person or persons in charge or in possession of such places, fields, orchards, nurseries, trees, plants, shrubs, vines, fruits or other articles, as aforesaid. The inspector shall require such person or persons to eradicate or destroy said injurious pests or insects or their eggs or larvae within a reasonable time to be specified. Said notice shall be served in person or in writing on said person or persons or either of them owning or having in charge or in possession such infested places, rights-of-way, fields, orchards, nurseries, trees, shrubs, vines, plants, fruits or other articles as visited by the inspector, or it may be served in the same manner as a summons in a civil action.

If the owner or owners or the person or persons in charge or in possession of any highways, rights-of-way of canals or railways, fields, orchards or nurseries or trees or plants or other articles infested with any insect or their eggs or larvae or with any disease injurious to any trees, fruits, vines, shrubs, plants or any other articles infested, after having been notified as above to eradicate and destroy the same, shall fail or neglect or refuse so to do, then any and all such places, public highways, rights-of-way, fields, orchards, nurseries, trees, plants, vines, fruits or other articles thus infested are adjudged and declared to be a public nuisance and shall be proceeded against as such, and whenever any such nuisance shall exist at any place in the State or on the property of any non-resident or on any highway, right-of-way or field, as aforesaid, or on any property the owner or owners of which cannot be found within the State, or on any property where notice has been served as aforesaid or where the owner or those in possession shall refuse or neglect to abate such nuisance within the time specified, it shall be the duty of the district inspector within the county wherein the nuisance is to be abated, or State Inspector, or either of them, and he is hereby empowered to cause said nuisance to be abated at once by eradicating or destroying all said pests or their eggs or larvae, or by disinfecting or destroying all fruits, trees, vines, plants, shrubs, pits, scions or other articles upon which said fungus disease or pests or their eggs or larvae may be found. The expense of such proceedings shall be paid out of the general fund of the State in the same manner as above set forth for paying said inspectors.

All sums so paid for carrying out the provisions of this Act

shall be a legal charge against such property and if not paid within thirty (30) days from the time when demand therefor is first made upon the owner of such property by the inspector abating such nuisance, shall be certified by the said inspector to the tax collector of the county wherein the property is situated and thereafter shall constitute a lien upon such property; and such sum shall be added by said tax collector to the general taxes assessed against said property which become due next thereafter and shall be collected by him in the same manner and with the same penalties as such other taxes. All such sums so collected by the tax collector shall be paid over to the State Treasurer and by him placed in the general funds of the State.

Any person, persons, firm or corporation, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in Section 1324 of the Revised Codes of Idaho as amended by Chapter 18 of the laws of 1913.

Approved March 13, 1917.

CHAPTER 142.

(H. B. No. 167.)

AN ACT

SUPPLEMENTING THE ELECTION LAWS OF THE STATE OF IDAHO SO AS TO ENABLE ELECTORS TO VOTE IN CERTAIN ELECTIONS THOUGH ABSENT FROM THE PRECINCTS IN WHICH THEY RESIDE; TO PROVIDE FOR APPLICATION FOR BALLOTS BY SUCH ABSENT ELECTORS AND THE ISSUANCE, RETURN, CUSTODY, VOTING OR REJECTION OF SUCH BALLOTS AND CHALLENGES THERE-TO AND CANVASS THEREOF; PROVIDING PENALTIES FOR THE VIOLATION OF ANY PROVISION OF THIS ACT; PROVIDING FOR THE APPLICATION OF PROVISIONS OF OTHER ELECTION LAWS OF THE STATE IN AID OF THE PROVISIONS OF THIS ACT, AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Any qualified elector of the State of Idaho who is absent or expects to be absent from the election precinct in which he resides on the day of holding any election under any of the laws of this State in which an official ballot is re-

quired, and if registration is required for such election, who is duly registered therefor, may vote at any such election, as hereinafter provided.

SEC. 2. Any such absent elector may make application to the county auditor, the city clerk or other proper officer charged by law with the duty of issuing official ballots for such election, on a blank to be furnished by such issuing officer, for an official ballot or ballots of the kind or kinds to be voted on at such election, which application shall be made not more than fifteen (15) days nor less than one (1) day preceding such election, and shall be duly signed and sworn to by such elector before an officer authorized to administer oaths and shall be in substantially the following form:

"APPLICATION FOR BALLOT TO BE VOTED AT
THE _____ ELECTION, _____, 19____.

State of _____, }
County of _____, } ss.

I, _____, do solemnly swear that I am a duly qualified and registered elector of the State of Idaho and of _____ County, at _____ in the _____ election precinct. I expect to be absent from said election precinct on the date of said election. I hereby apply for an official ballot or ballots to be voted by myself at such election.

Signed, _____

Subscribed and sworn to before me this _____ day
of _____, 19____.

(Official Title)."

Provided, That if for a primary election ballot, such application shall designate the applicant's political affiliation.

The blanks in said statement shall be filled by the issuing officer to the extent necessary to identify the election at which said ballot or ballots are proposed to be cast. The issuing officer shall keep as a part of the records of his office a list of all applications so received and of the manner and time of delivery of ballots thereon.

SEC. 3. The officer receiving such application shall forthwith deliver to said applicant elector personally or shall mail to him by registered mail, postage prepaid, an official ballot or

ballots, one of each kind thereof, to be voted on by the electorate at such election.

SEC. 4. Such officer shall fold said ballot or ballots as specified in the law controlling in said election and enclose same in an official envelope, unsealed, to be furnished by him, which envelope shall bear on its face the name, official title and postoffice address of such officer, and on the other side a printed statement substantially as follows:

"I am a duly qualified and registered elector of the State of Idaho, -----County, -----election precinct. My personal attendance in said election precinct on -----, 19____, the date of the -----election in said precinct, is prevented.

Dated -----, 19____.

Signed: -----"

Provided, That if the ballot or ballots enclosed are for a primary election, the statement must designate the elector's political affiliation.

The blanks in said statement shall be filled by such issuing officer to the extent necessary to identify the election at which said ballot or ballots are proposed to be cast. There shall also be printed upon the back of said official envelope a copy of Sections 5 and 13 of this Act.

SEC. 5. On marking such ballot or ballots such absent elector shall refold same as theretofore folded and shall enclose the same in said official envelope and seal said envelope securely and mail by registered mail or deliver it in person to the officer who issued same at least one (1) day before the date of such election. Said ballot or ballots shall be so marked, folded and sealed by said voter in private and secretly.

SEC. 6. On receipt of such absent elector's ballot or ballots said officer receiving same shall forthwith enclose same, unopened, together with the application upon which such ballot or ballots were issued, in a carrier envelope endorsed with the name and official title of such officer and the words: "Absent Voter's Ballot, to be opened only at the polls on election day while said polls are open." He shall hold the same until the delivery of the official ballots to the judges of election of the precinct in which said elector resides and shall deliver said ballot or ballots to said judges with such official

ballots, or in case said ballot or ballots are received by such officer after the delivery of the official ballots to such judges he shall forthwith, upon its receipt, enclose it in a carrier envelope, as heretofore prescribed, addressed to the judges of such election precinct in their official capacity and mail the same, postage prepaid, to such judges of election or deliver or send the same by agent to such judges without, however, incurring any expense for such delivery to the county or municipality, as the case may be.

SEC. 7. Between the opening and closing of the polls on such election day the judges of election of such precinct shall open the carrier envelope only, announce the absent voter's name and compare the signature upon the application with the signature of the ballot envelope, and in case they find such signatures to correspond and the applicant to be a duly qualified elector of the precinct and that he has not theretofore voted at said election they shall open the ballot envelope and remove the ballot or ballots without destroying the endorsements on the envelope, nor unfolding nor permitting the ballot or ballots to be unfolded, and having endorsed the ballot or ballots as other ballots are required to be endorsed shall deposit the same in the proper ballot box and cause the absent voter's name to be entered on the poll books the same as though he had been present and voted in person.

SEC. 8. The judges shall reject such ballot or ballots as do not conform to the foregoing requirements, or in case the ballot envelope has been theretofore opened or contains more than one ballot of any one kind, and rejected ballots shall each be endorsed as "Rejected," with the reasons therefor and fastened to the ballot envelope and application accompanying same. All rejected ballots shall be enclosed and securely sealed in an envelope upon which the judges shall endorse "Defective absentee ballots" with the name of the precinct and the date of election at which they were rejected, signed by said judges, and shall return to the same officer and in the same manner as by law provided for the return and preservation of spoiled or mutilated ballots. All applications and ballot envelopes shall be returned by the judges to the officer to whom the returns of the election are made.

SEC. 9. The vote of any absent voter may be challenged for cause as though he were present and the judges of election

shall have all the powers and authority given by law to hear and determine the legality of such absentee vote or ballot.

SEC. 10. Whenever proof of the death of any such absent voter, occurring prior to the opening of the polls for such election, shall be furnished to the judges at said election before the ballot of such voter is voted such ballot shall be returned with unused ballots to the officer to whom unused ballots are returned, but the casting of such ballot shall not invalidate the election.

SEC. 11. No elector whose absentee ballot shall have been voted at any election shall vote in person at such election and no absentee ballot of such voter shall be voted if said elector shall have theretofore voted at said election in person.

SEC. 12. All the provisions of the election laws in force in this State at the time of any such election and not inconsistent with this Act relative to the furnishing of ballots and ballot boxes, the canvassing and the making of return of the election and governing the election so held shall apply with full force and effect to all cases of voting created by virtue hereof.

SEC. 13. Any person who knowingly shall make falsely the affidavit hereinbefore provided shall be guilty of perjury and, upon conviction thereof, shall be punished in the manner provided by law for such offense. Any person who falsely personates another in making said application or statement in this Act provided shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding ninety (90) days, or by a fine not exceeding Five Hundred Dollars (\$500.00). If any person who, having procured an official ballot or ballots as heretofore provided, shall neglect or refuse to return same to the issuing officer within the time and in the manner in this Act provided or shall wilfully violate any provision of this Act he shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding ninety (90) days or by a fine not exceeding Five Hundred Dollars (\$500.00). Official neglect or malfeasance by any of the officers named in this Act in the performance of their duties created by virtue of the provisions hereof is governed by the provisions of Section 6354 of the Idaho Revised Codes.

SEC. 14. This Act shall be deemed to provide a method of voting in addition to the method provided by other statutes and

to such extent as amendatory of such other statutes relating to the manner and method of voting.

SEC. 15. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 19, 1917.

CHAPTER 143.

(H. B. No. 168.)

AN ACT

ESTABLISHING AN EXPERIMENTAL AND DEMONSTRATION FARM FOR THE HIGH ALTITUDE AGRICULTURAL AREAS OF THE STATE OF IDAHO; PROVIDING FOR THE SELECTION OF A TRACT OF STATE LAND SUITABLE FOR SUCH FARM, FOR ITS ESTABLISHMENT AND OPERATION AND PROVIDING AN APPROPRIATION FOR THE SAME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The director of experiment stations and the State Board of Education are hereby authorized to select a tract of state land for the purpose of establishing an experiment farm. Said tract shall be located at an elevation of six thousand (6000) feet or more and shall be selected for experimentation and demonstration work for high altitude areas not represented by other experiment farms of the State and shall be for the purpose of developing the highland areas of the State for agricultural purposes.

SEC. 2. The control and conduct of said experiment farm shall be the same as have heretofore been provided for other experiment farms of the State and the maintenance of the same shall be provided for hereafter, as are such other experiment farms.

SEC. 3. The sum of Three Thousand Five Hundred Dollars (\$3500.00) is hereby appropriated for the expense of locating said experiment farm, for the necessary equipment and for general establishment and operation expenses for the bienium: *Provided*, Said sum shall not be used for this purpose unless a like amount is donated or appropriated from the locality where said experimental farm shall be located. And if no such donation or appropriation is made, then the amount appropriated by this Act shall revert to the general fund of the State.

SEC. 4. A suitable tract of state land consisting of one hundred sixty (160) acres or such part thereof as may be selected for the purposes designated in this Act is hereby set apart for the use of an experimental farm.

Approved March 20, 1917.

CHAPTER 144.

(H. B. No. 178.)

AN ACT

TO AMEND CHAPTER 5 OF TITLE 13 OF THE POLITICAL CODE OF THE IDAHO REVISED CODES AS AMENDED BY CHAPTER 81 OF THE 1911 SESSION LAWS AND AS FURTHER AMENDED BY CHAPTER 97 OF THE 1915 SESSION LAWS OF THE STATE OF IDAHO AND TO ADD THERETO SECTION 2238LL RELATING TO CITIES AND VILLAGES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5 of Title 13 of the Political Code of the Idaho Revised Codes as amended by Chapter 81 of the 1911 Session Laws and as further amended by Chapter 97 of the 1915 Session Laws be and the same is hereby amended by adding thereto a new section numbered 2238LL, to read as follows:

Section 2238LL. Acquire by purchase or otherwise, hospital grounds, buildings and equipment, and maintain and operate the same in the manner provided for acquiring other property, and to provide, by general ordinances, rules and regulations for governing the same.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1917.

CHAPTER 145.

(S. B. No. 183.)

AN ACT

DEFINING THE CRIME OF CRIMINAL SYNDICALISM AND PRESCRIBING PUNISHMENT THEREFOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Criminal syndicalism is the doctrine which ad-

vocates crime, sabotage, violence or unlawful methods of terrorism as a means of accomplishing industrial or political reform. The advocacy of such doctrine, whether by word of mouth or writing, is a felony punishable as in this Act otherwise provided.

SEC. 2. Any person who:

(1) By word of mouth or writing, advocates or teaches the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform; or

(2) Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document, or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence or other unlawful methods of terrorism; or

(3) Openly, wilfully and deliberately justifies, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism; or

(4) Organizes or helps to organize or becomes a member of, or voluntarily assembles with any society, group or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism;

Is guilty of a felony and punishable by imprisonment in the State Prison for not more than ten years or by a fine of not more than five thousand dollars, or both.

SEC. 3. Whenever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal syndicalism as defined in this Act, such an assemblage is unlawful, and every person voluntarily participating therein by his presence, aid or instigation is guilty of a felony and punishable by imprisonment in the State Prison for not more than ten years or by a fine of not more than five thousand dollars, or both.

SEC. 4. The owner, agent, superintendent, janitor, caretaker, or occupant of any place, building or room, who wilfully and knowingly permits therein any assemblage of persons prohibited by the provisions of Section 3 of this Act, or who, after notification that the premises are so used, per-

mits such use to be continued, is guilty of a misdemeanor and punishable by imprisonment in the county jail for not more than one year or by a fine of not more than five hundred dollars, or both.

Approved March 14, 1917.

CHAPTER 146.

(H. B. No. 190.)

AN ACT

TO AMEND AN ACT OF THE SESSION LAWS OF 1909 DESIGNATED AS HOUSE BILL NO. 62, PAGE 6, APPROVED FEBRUARY 17TH, 1909, TO REGULATE THE USE AND CARRYING OF CONCEALED DEADLY WEAPONS AND TO REGULATE THE SALE OR DELIVERY OF DEADLY WEAPONS TO MINORS UNDER THE AGE OF SIXTEEN YEARS, TO PROVIDE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT AND TO EXEMPT CERTAIN PERSONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That an act of the Session Laws of 1909 designated as House Bill No. 62, Page 6, approved February 17th, 1909, to regulate the use and carrying of concealed deadly weapons and to regulate the sale or delivery of deadly weapons to minors under the age of sixteen years, to provide a penalty for the violation of the provisions of this Act and to exempt certain persons, be and the same is hereby amended to read as follows:

Section 1. If any person (excepting officials of a county, officials of the State of Idaho, officials of the United States, peace officers, guards of any jail, any officer of any express company on duty) shall carry concealed upon or about his person, any dirk, dirk-knife, bowie-knife, dagger, sling-shot, pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the State of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks,

or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen (16) years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00) and by imprisonment in the county jail for a period of not less than twenty (20) days nor more than ninety (90) days: *Provided, however,* That any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

Approved March 15, 1917.

CHAPTER 147.

(S. B. No. 192.)

AN ACT

AMENDING SECTION 12 OF CHAPTER 55, SESSION LAWS 1911, AS AMENDED BY CHAPTER 145 OF SESSION LAWS OF 1913, PROVIDING FOR REGULAR MEETINGS OF HIGHWAY COMMISSIONERS OF INDEPENDENT HIGHWAY DISTRICTS; THAT BILLS SHALL BE ALLOWED ONLY AT REGULAR MEETINGS; THAT THE MINUTES OF SUCH MEETINGS SHALL SHOW WHAT BILLS WERE SUBMITTED, CONSIDERED, ALLOWED OR REJECTED; FOR THE MAKING OF A LIST OF ALL BILLS PRESENTED, WHICH SHALL GIVE ALL DETAILS; THAT THE LIST SHALL BE SIGNED BY THE CHAIRMAN AND PUBLISHED TOGETHER WITH A SYNOPSIS OF ALL BUSINESS TRANSACTED AT REGULAR MEETINGS, AS WELL AS AT SPECIAL MEETINGS, AND MAKING A FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION A MISDEMEANOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 12 of Chapter 55, Session Laws of 1911, as amended by Chapter 146 of Session Laws of 1913, be amended to read as follows:

Sec. 12. Immediately after qualifying, the Board of Highway Commissioners shall meet and organize as a board, and at that time (and whenever thereafter vacancies in the respective offices may occur) they shall elect a president from their number, and shall appoint a secretary and treasurer who

may also be from their number, all of whom shall hold office during the pleasure of the Board, or for terms fixed by the Board. The offices of Secretary and Treasurer may be filled by the same person. Certified copies of all such appointments, under the hand of each of the commissioners, shall be forthwith filed with the Clerk of the Board of County Commissioners, and with the Assessor and Tax Collector of the County.

As soon as practicable after the organization of the first Board of Commissioners, such Board shall designate a place and a day and hour recurring each month, on which meetings of the Board designated as "Regular Meetings" shall be held. At such regular meetings only, shall bills be allowed, and the minutes of such meeting must show what bills are submitted, considered, allowed or rejected. The Secretary shall make a list of all bills presented, showing to whom payable, for what service or material, when and where used, amount claimed, allowed, or disallowed. Such list shall be signed by the Chairman and attested by the Secretary, and published in the nearest paper published in the district, or in the official County paper in the next following issue with a synopsis of other business transacted, together with the record of transactions at any special meetings held between the last and the preceding regular meeting; *Provided*, That all special meetings must be ordered by the President or a majority of the Board, the order must be entered of record, and the Secretary must give each member not joining in the order five days notice of such special meetings; the order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted; *Provided, further*, That whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business, and a majority of the board may exercise all of the powers of the board, except as otherwise provided in this Act. All records of the board shall be open to the inspection of any elector or taxpayer during business hours. Failure to comply with the requirements of this Section shall constitute a misdemeanor.

The officers of the district shall take and file with the Sec-

retary an oath for the faithful performance of the duties of their respective offices. The treasurer shall on his appointment execute and file with the secretary an official bond in such amount as may be fixed by the Highway Board, which shall not be less than Five Thousand (\$5,000) Dollars; and shall thereafter from time to time execute and file such further bonds as may be required of the Highway Board in amounts fixed by them, which amounts shall be at least sufficient to cover the probable amounts of money coming into his hands and twenty-five per cent. thereof in addition thereto.

Approved March 14, 1917.

CHAPTER 148.

(H. B. No. 199.)

AN ACT

AMENDING CHAPTER 20 TITLE 8 OF THE POLITICAL CODE OF THE REVISED CODES OF IDAHO BY AMENDING SECTIONS 1372, 1374, 1375, 1376, 1377, 1378, 1380, 1381, 1382 AND 1384 AND BY ADDING TWENTY-TWO NEW SECTIONS DESIGNATED SECTIONS 1374a TO 1374e INCLUSIVE, 1375a TO 1375l INCLUSIVE, 1376a AND 1377a TO 1377f INCLUSIVE, RELATING TO THE PRACTICE OF OPTOMETRY; PRESCRIBING REGULATIONS THEREFOR AND PROVIDING PENALTIES FOR THE VIOLATIONS OF SUCH REGULATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Section 1372 of the Revised Codes of Idaho is amended to read as follows:

Section 1372. *Practice of Optometry Defined.* Any person shall be deemed to be practicing optometry within the meaning of this chapter:

(1) Who employs any means other than the use of drugs (a) for the measurement of the powers of vision and the determination of the accommodative and refractive states of the eye and scope of its functions in general, or, (b) for the adaption of lenses and frames for the aid thereof, or,

(2) Who displays any sign or in any way advertises himself as an optometrist, or,

(3) Who vends spectacles, eye-glasses or lenses otherwise than as permitted in this chapter.

SEC. 2. Section 1374 of the Revised Codes of Idaho is amended to read as follows:

Section 1374. *State Board of Examiners of Optometry.* There is hereby created a board whose duty it is to carry out the purposes and enforce the provisions of this chapter, which shall be styled the "Idaho State Board of Examiners in Optometry" (and hereinafter referred to in this chapter as the "Board"), composed of three licensed Optometrists, residing in the State, each appointed by the Governor, as hereinafter provided.

SEC. 3. Chapter 20, Title 8 of the Political Code of the Revised Codes of Idaho is amended by inserting therein, immediately following Section 1374, five new sections, designated as 1374a, 1374b, 1374c, 1374d and 1374e, to read as follows:

Section 1374a. *Term of Office.* Each of the members of said Board shall hold office for the term of three years or until his successor is appointed and qualified and to be so classified that one member shall retire every year, and no member shall be appointed to succeed himself: *Provided,* That the present members of the Board shall continue to serve until the expiration of the term for which they were appointed, respectively.

Section 1374b. *Removal of Board Members and Vacancies.* The Governor shall have power to remove any member of the Board for dereliction of duty, incompetency or unprofessional conduct and to fill vacancies in the membership caused by death, resignation or removal.

Section 1374c. *Oath of Members of Board.* Any person appointed to serve upon the Board shall, before entering upon the discharge of his duties, take the usual oath of office, which shall be filed in the office of Secretary of State.

Section 1374d. *Officers of Board.* The Board shall elect annually a President, Vice-President and Secretary-Treasurer.

Section 1374e. *Meetings of Board.* The Board shall hold a regular meeting on the first Monday in June in each year at the capital of the State and at such other times and places as the Board or a majority of the members thereof shall designate. A majority of the Board shall constitute a quorum.

SEC. 4. Section 1375 of the Political Code of the Revised Codes of Idaho is amended to read as follows:

Section 1375. *Powers and Duties of the Board.* The

Board shall have the power and duties under such limitations and restrictions as are prescribed by law as provided in the following sections numbered 1375a to 1375l inclusive:

SEC. 5. Chapter 20, Title 8 of the Political Code of the Revised Codes of Idaho is amended by inserting therein, immediately following Section 1375, twelve new sections designated as 1375a to 1375l inclusive, as follows:

Section 1375a. To approve or disapprove applications for license to practice optometry.

Section 1375b. To issue, reissue or refuse licenses to applicants and to suspend or revoke licenses for cause.

Section 1375c. To examine applicants and other witnesses as to matters within the scope of their duties and for that purpose every member of the Board may administer oaths.

Section 1375d. To prescribe a schedule of minimum educational requirements of applicants licensed, which shall be without prejudice, partiality or discrimination as between different schools of optometry.

Section 1375e. To prescribe and establish needful rules and regulations not inconsistent with the law for the purpose of carrying into effect the provisions of this chapter, in prescribing procedure for the determination of the truth or falsity of any charge against a licentiate, having for the purpose the revocation of his license, the accused licentiate shall, in every case, have reasonable notice of an opportunity to appear and be heard at any hearing thereon.

Section 1375f. To adopt a seal and to attest its acts thereunder.

Section 1375g. To keep on file with the Secretary of the Board a register with the names and addresses of all applicants for license, rejected applicants, licentiates and all persons to whom renewal licenses are granted, together with the date of issuance of said license or the renewal thereof.

Section 1375h. To keep a true and accurate inventory of all property of the Board and of all property of the State in the possession of the Board and to obtain a receipt therefor from its successor, when transferred, also a true and accurate account of all funds received, and to safeguard the same by requiring the treasurer to give bond in the sum of \$1000.00 with such securities as it may deem proper.

Section 1375i. To distribute annually a book containing the names and addresses of all licentiates to each licensed optometrist in this State.

Section 1375j. To keep a true record of all its official accounts, proceedings and transactions which shall at all times be open to public inspection.

Section 1375k. To report annually to the Governor on the second Monday in January all its official acts, proceedings and transactions, including a statement of all receipts and disbursements of the Board.

Section 1375l. To charge every applicant for a license, whether required to take an examination or not, a fee of \$25, \$20 of which shall accompany the application. The other \$5.00 shall be payable upon the issuance of the license.

SEC. 6. Section 1376 of the Revised Codes of Idaho is amended to read as follows:

Section 1376. *Compensation of Board.* Out of the funds coming into the possession of said Board each member thereof may receive as compensation the sum of \$5.00 for each day actually engaged in the duties of the Board.

SEC. 7. Chapter 20, Title 8 of the Political Code of the Revised Codes of Idaho is amended by inserting therein, immediately following Section 1376, one new section, designated 1376a.

Section 1376a. *Expense of Board.* The Board shall pay out of the funds coming into its possession the following items: (1) Premium on Secretary's bond. (2) Mileage of three cents per mile to each member for all distances necessarily travelled in attending to the duties of the Board. (3) Necessary expenses of each member while discharging the duties of the Board. (4) And such other expenses as the Board may deem necessary for administering this chapter.

SEC. 8. Section 1377 of the Revised Codes of Idaho is amended to read as follows:

Section 1377. *Applications for License.* Every person desiring to practice optometry in this State must make application for license in writing under oath at such times in such form and accompanied by such proof of the applicant's fitness to practice as the Board may from time to time prescribe.

SEC. 9. Chapter 20, Title 8 of the Political Code of the

Revised Codes of Idaho is amended by inserting therein, immediately following Section 1377, four new sections, designated as 1377a to 1377d inclusive.

Section 1377a. *Prerequisite of Qualifications of Applicants.* Every applicant for a license to practice optometry shall be a person of good moral character, more than twenty-one years of age, having a preliminary education equal to two years in an accredited high school and shall either be a graduate of a reputable school of optometry, maintaining a curriculum satisfactory to the Board, or have studied three years in the office of a licensed optometrist.

Section 1377b. *Applicants Licensed Elsewhere.* Any person who is licensed to practice optometry under the laws of another state, whose minimum requirements are not less than prescribed in this State, who appears in person before the Board and shows (1) that his foreign license is then in force and that he has been a resident of said foreign state for one year prior to the making of an application in this State, and (2) a favorable recommendation from the Board of Examiners in Optometry of said foreign state, and (3) that the foreign state grants like privileges to licensed optometrists of Idaho, may, at the discretion of the Board, be granted a license without examination upon the payment of the fee of \$25.00.

Section 1377c. *Examinations.* Except as herein otherwise provided each applicant shall be examined in writing by the Board, to determine his knowledge of the subjects essential to the practice of optometry. Examination shall include the following subjects:

Practical and Theoretical Optometry,
Physical Optics,
Ocular Anatomy, Physiology and Pathology,
Transposition,
Neutralization,

Trial case, practical use of instruments and findings:

Ophthalmoscope,
Retinoscope,
Ophthalmometer.

Additional subjects may be prescribed from time to time by the Board to meet new conditions.

No applicant shall be granted a license who shall fail to attain a grade of 75% in such examination.

In addition to a written examination the Board shall examine the applicant in the art and skill of frame bending and adjusting in such manner and by such methods as shall reveal the applicant's ability to practice.

Section 1377d. *Registration.* All persons successfully passing such examination shall be registered in the Board register kept by said Secretary as licensed to practice optometry and shall also receive a certificate of such registration signed by the board and attested with the seal of said Board upon payment of the final fee.

SEC. 10. Section 1378 of the Revised Codes of Idaho is amended to read as follows:

Section 1378. *Certificate of Registration to Be Recorded.* Every person holding a certificate of registration shall file the same for record with the recorder of the county where he practices optometry. The legal fee for recording the same shall be fifty cents.

SEC. 11. Section 1380 of the Revised Codes of Idaho is amended to read as follows:

Section 1380. *Annual Registration Fee.* Every registered optometrist who desires to continue the practice of optometry in this State shall annually, on such date as the Board of Optometry may determine, pay to the secretary of said Board a registration fee to be fixed by the Board, but which shall in no case exceed the sum of two dollars per annum, for which he shall receive a renewal of said registration, and in case of default in such payment by any person his certificate may be revoked by the Board upon twenty days' notice of the time and place of considering such revocation. But no certificate shall be revoked for such non-payment if the person so notified shall pay before or at such time of consideration his fee and such penalty as may be imposed by said Board: *Provided,* That said Board may impose a penalty of five dollars and no more on any person so notified as a condition of allowing his certificate to stand.

All fees collected by the Board shall be the only source of official revenue available for carrying out the provisions of this chapter.

SEC. 12. Section 1381 of the Revised Codes of Idaho is amended to read as follows:

Section 1381. *Revocation of License.* Every license issued under the provisions of this Act shall be subject to suspension or revocation by the Board upon any of the following grounds:

- (a) Fraud or deception in procuring license;
- (b) Practicing optometry under a false or assumed name;
- (c) Conviction of a crime involving moral turpitude;
- (d) Habitual intemperance in the use of ardent spirits, narcotics or stimulants;
- (e) Immoral, unprofessional or dishonorable conduct;
- (f) While the licentiate is suffering from contagious or infectious disease.

Unprofessional conduct, as used in this chapter, means employment of what are known as "Cappers" or "Steerers" to obtain business, sending a solicitor from house to house or employing, directly or indirectly, any unlicensed optometrist to perform any work specified in this chapter or to permit another to use his license, or the advertising of optical business or treatment in which untruthful statements are made.

SEC. 13. Section 1382 of the Revised Codes of Idaho is amended to read as follows:

Section 1382. *Violation of Chapter a Misdemeanor.* Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

SEC. 14. Section 1384 of the Revised Codes of Idaho is amended to read as follows:

Section 1384. *Application of Chapter.* Nothing in this chapter shall be construed to apply to

(1) Doctors of Medicine authorized to practice under the laws of the State of Idaho.

(2) Merchants who sell spectacles or eye-glasses as articles of merchandise: *Provided,*

(a) They do so in the ordinary course of trade from permanently located and established places of business;

(b) They do not traffic or attempt to traffic upon assumed skill in testing the eye and adapting lenses and frames thereto;

(c) They do not use in the testing of the eye therefor lenses other than the lenses actually sold, and

(d) They do not give or offer spectacles and eye-glasses as premiums.

(3) Opticians who sell spectacles or eye-glasses on prescription from a duly licensed optometrist or doctor of medicine.

Approved March 15, 1917.

CHAPTER 149.

(H. B. No. 208.)

AN ACT

TO AMEND SECTION 1917w OF CHAPTER 22 SESSION LAWS OF IDAHO, 1915, APPROVED FEBRUARY 26, 1915.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1917w of Chapter 22, Session Laws of 1915, approved February 26, 1915, be and the same hereby is amended to read as follows:

Section 1917w. To contract to purchase and to purchase a site, grounds or parks on which to hold public fairs or exhibitions, to care for and maintain the same, regulate the use thereof and, in their discretion, to let, demise or lease the same to the State of Idaho or the State Board of Agriculture for such public fair or exhibition purposes upon such terms and conditions and for such consideration as in their judgment shall best promote the holding of such public fairs or exhibitions.

Approved March 15, 1917.

CHAPTER 150.

(H. B. No. 212.)

AN ACT

AMENDING SECTION 3 OF AN ACT OF THE THIRTEENTH SESSION OF THE LEGISLATURE, APPROVED MARCH 11, 1915, CHAPTER 72 LAWS OF 1915, PAGE 183, ENTITLED "AN ACT CREATING A GAME PRESERVE WITHIN THE COUNTIES OF CASSIA, TWIN FALLS, ONEIDA, BEAR LAKE, BANNOCK, POWER AND FRANKLIN; AND PROVIDING PENALTIES FOR THE PURSUING, CAPTURING AND KILLING OF GAME BIRDS OR ANIMALS WITHIN THE AFORESAID

COUNTIES AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3 of Chapter 72 of the Laws of 1915 entitled "An Act creating a game preserve within the Counties of Cassia, Twin Falls, Oneida, Bear Lake, Bannock, Power, Franklin; and providing penalties for the pursuing, capturing and killing of game birds or animals within the aforesaid counties and repealing all acts or parts of acts in conflict with this Act," be and the same is hereby amended to read as follows:

SEC. 3. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in the sum of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Approved March 15, 1917.

CHAPTER 151.

(H. B. No. 214.)

AN ACT

PROVIDING FOR THE ISSUANCE OF TAX DEEDS FOR DELINQUENT TAXES FOR THE YEAR 1917 AND SUBSEQUENT YEARS; SPECIFYING WHAT SUCH DEEDS SHALL CONTAIN; DECLARING THE EFFECT OF SUCH TAX DEEDS; AMENDING SECTION 121 OF ARTICLE 8 OF CHAPTER 58 OF THE 1913 SESSION LAWS OF THE STATE OF IDAHO AS THE SAME WAS AMENDED BY CHAPTER 69 OF THE 1915 SESSION LAWS OF THE STATE OF IDAHO, APPROVED MARCH 11, 1915; AMENDING SECTIONS 127, 128 AND 132, AND REPEALING SECTIONS 137, 138, 139, 140, 141, 142, 143, 144 AND 145 OF ARTICLE 8 OF CHAPTER 58 OF THE 1913 SESSION LAWS OF THE STATE OF IDAHO, APPROVED MARCH 13, 1913; AND REPEALING ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 121 of Article 8 of Chapter 58 of the 1913 Session Laws of the State of Idaho as the same was amended by Chapter 69 of the 1915 Session Laws of the

State of Idaho be and the same is hereby amended to read as follows:

Section 121. The delinquency certificate prescribed by the preceding section must be substantially in the following form:

“DELINQUENCY CERTIFICATE

No.....

State of Idaho,
County of } ss.

This is to certify that the following described property, to-wit:, was duly and regularly assessed in the name of for taxes levied for the year 19.., which taxes are a lien upon the property above described and are now unpaid and delinquent, to-wit:

State and County tax -----	\$
City, town or village of -----	tax
School Dist. No. -----	tax
School Dist. No. -----	tax
Road Dist. No. -----	tax
Road Dist. No. -----	tax
-----	tax
Original tax -----	\$
Penalty -----	\$
Delinquent tax -----	\$

which delinquent tax bears interest from the date same became delinquent until paid or the entry of judgment in an action to foreclose said lien at the rate of twelve per cent per annum.

That if, on account of any irregularity of the taxing officers, this certificate be void the board of county commissioners of the said county will repay to the owner of this certificate the sum paid therefor with interest thereon at the rate of six per centum per annum from the date of the assignment of this certificate by the county auditor of the said county.

Now, therefore, by virtue of the facts hereinbefore set forth and the authority conferred upon me by the laws of Idaho I do hereby issue this delinquency certificate to the county auditor of the said county, as trustee for said county, who may assign the said certificate to any purchaser thereof from the said county.

In case the said taxes are not paid within three years from the date of this certificate, the owner of this certificate, upon full compliance with the provisions of law relating to the service of notice of expiration of the period of redemption upon the persons entitled thereto not less than three (3) nor more than five (5) months prior to the expiration of such period, shall be entitled to receive from the county auditor of said county a tax deed to the premises herein described.

In witness whereof, I have hereunto set my hand at.....
Idaho, this second Monday of January, A. D. 19....

.....
Tax Collector..... County, Idaho.

ASSIGNMENT BY COUNTY AUDITOR.

State of Idaho,
County of ss.

For and in consideration of the sum of.....
dollars paid into the treasury of said county, the receipt where-
of is hereby acknowledged, I do hereby assign to.....,
whose postoffice address is, all the right,
title and interest of the said county in and to the within and
foregoing delinquency certificate.

In witness whereof I have hereunto set my hand and affixed
my official seal at....., Idaho, this.....
day of, A. D. 19....

.....
Auditor County, Idaho."

SEC. 2. That Section 127 of Article 8 of Chapter 58 of the 1913 Session Laws of the State of Idaho be and the same is hereby amended to read as follows:

Section 127. All delinquent taxes and penalties, as shown in the delinquency certificates, bear interest from the date of such certificates until paid or until the issuance of tax deed, and such interest must be paid by any redemptioner of the property as a condition of redemption.

SEC. 3. That Section 128 of Article 8 of Chapter 58 of the 1913 Session Laws of the State of Idaho be and the same is hereby amended to read as follows:

Section 128. On or after the fourth Monday of January in the year in which any delinquency certificates are issued and within three years from the date of such certificates the coun-

ty auditor may sell any such delinquency certificates owned by his county to any person who may apply to him for the purchase thereof and the price to be paid for any such certificate shall be the amount of taxes and penalty, as shown in such certificate, together with the interest accrued thereon: *Provided*, That no delinquency certificate shall be sold by the county auditor, which is outstanding against any property on the day when the time allowed by law for the redemption of such property from sale for delinquent taxes of any prior year expires, and,

Provided further, That no delinquency certificate on any property shall be sold unless all delinquency certificates and tax sale certificates issued against the said property or any part thereof for delinquent taxes of prior years have been sold.

SEC. 4. That Section 132 of Article 8 of Chapter 58 of the 1913 Session Laws of the State of Idaho be and the same is hereby amended to read as follows:

Section 132. Any delinquency certificate issued in accordance with the provisions of this Act shall constitute a lien in favor of the owner thereof for all taxes, penalties and interest therein mentioned on the property therein described and shall entitle such owner to tax deed for such property in the manner provided for in this Act. Such delinquency certificate shall further constitute prima facie evidence in any legal proceedings in which it may lawfully be used that the property described therein was subject to assessment and taxation at the time the same was assessed, that said property was assessed and equalized according to law, that the taxes levied on such property and the penalty added to such taxes were levied and added according to law, that such taxes were not paid before the issuance of the delinquency certificate, that the taxes on any personal property extended against the real property described in the delinquency certificate is a lien on such real property, that the property and taxes were entered upon the real property assessment roll.

SEC. 5. That Sections 137, 138, 139, 140, 141, 142, 143, 144 and 145 of Article 8 of Chapter 58 of the 1913 Session Laws of the State of Idaho and all other acts or parts of acts in conflict with this Act be and the same are hereby repealed.

SEC. 6. If the property is not redeemed within three (3)

years from the date of the delinquency certificate, the county auditor or his successor in office must make to the County or other holder of such delinquency certificate upon demand by him, provided there has been a full compliance with the requirements of this section, a deed to the property, reciting in the deed substantially the matters contained in the delinquency certificate and that no person redeemed the property during the time allowed by law for its redemption. The county auditor is entitled to receive for the county from the owner of such delinquency certificate Two Dollars (\$2.00) for making such deed.

Hereafter no holder of any delinquency certificate for taxes or special assessments due either to the state or county or school district or any incorporated town or city within the same or for any taxes or levies authorized by the laws of the State and collectable by the county tax collector upon any land, town or city lot shall be entitled to a tax deed for the land or lots described in such delinquency certificate, until the following conditions have been complied with, to-wit: Such holder shall serve or cause to be served written or printed or partly written and partly printed notice on the person or persons in actual possession or occupancy of such land or lot and also the person in whose name the same stands upon the records in the recorder's office if, upon diligent inquiry he can be found in the State, at least three (3) months and not more than five (5) months before the expiration of the time of redemption, in which notice he shall state when he purchased such delinquency certificate, in whose name the property was assessed, the description of the land or lot, for what year taxed or specially assessed and when the time of redemption will expire. If there is no person in the actual possession or occupancy of such land or lot and if the person in whose name the same stands upon diligent inquiry cannot be found in the State, then such holder shall post in a conspicuous place upon said land or lot and in a substantial manner a copy of said notice not more than five (5) and not less than three (3) months before the time of redemption shall expire, and shall publish such notice in the newspaper printed in such county nearest said land or lot and, if no newspaper is printed in the county, then in the nearest newspaper that is published in this State to the said land or lot, which notice shall be inserted three (3) times at intervals of not less than one week, the first insertion not

more than five (5) months and the last not less than three (3) months before the time of redemption expires, and a copy of such notice shall, within said time, be mailed to the person in whose name the said land or lot stands on record at his last known place of residence.

Every holder of a delinquency certificate by himself or agent shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions hereof, stating particularly the facts relied on as constituting such compliance, which affidavit shall be delivered to the county auditor to be by such officer entered on the records of his office and carefully preserved among the files of his office, and which record or affidavit shall be prima facie evidence that such notice has been given. Any person swearing falsely to such affidavit shall be deemed guilty of perjury and be punished accordingly.

Whenever any delinquency certificate holder shall have served or posted the notices herein required or shall have begun the publication thereof and shall, in writing, notify the county auditor of such fact with a statement of the actual costs expended in such service, posting and completion of publication or either, as the case may be, which amount in no event shall exceed for mileage, service and posting the statutory schedule allowed sheriffs for service of process, and in case of publication not to exceed Two Dollars (\$2.00) publication cost for each tract or lot contained in such notice, then before any person who may have a right to redeem such land or lot from such delinquency certificate shall be permitted to redeem he shall pay the officer or person who by law is authorized to receive such redemption money the amount of such costs.

SEC. 7. The taxes levied and collectable for the year 1916 and for prior years and all subsequent proceedings for the collection of such taxes, including penalties for delinquency, delinquency certificates and redemptions shall be enforced under and governed by the law as existing prior to the approval of this Act, and such laws are hereby expressly continued in force for such purposes.

SEC. 8. The matters recited in the delinquency certificate must be recited in the deed, and such deed duly acknowledged or proved in prima facie evidence that:

1. The property was assessed as required by law;

2. The property was equalized as required by law;
3. The taxes were levied in accordance with law;
4. The taxes were not paid;
5. At a proper time and place the delinquency certificate was issued as prescribed by law, and by the proper officer;
6. The property was not redeemed;
7. The person who executed the deed was the proper officer;
8. Where the real estate was sold to pay taxes on personal property that the real estate belonged to the person liable to pay the tax.

SEC. 9. Such deed duly acknowledged and proved is prima facie evidence of the regularity of all other proceedings, from the assessment by the assessor inclusive up to the execution of the deed.

SEC. 10. The deed conveys to the grantee the absolute title to the lands described therein, free of all incumbrances, except any lien for taxes which may have attached subsequently to the assessment.

Approved March 19, 1917.

CHAPTER 152.

(S. B. No. 220.)

AN ACT

TO AMEND SECTION 2415 OF THE REVISED CODES OF IDAHO AS AMENDED BY CHAPTER 181 OF THE SESSION LAWS OF 1911, SO AS TO ABOLISH THE PENALTY ON REDEMPTION OF TAX SALES CERTIFICATES IN IRRIGATION DISTRICTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2415 of the Revised Codes of Idaho as amended by Chapter 181, Session Laws of 1911, be and the same is, hereby amended to read as follows:

Section 2415. Redemption can be made at any time within three (3) years from the date of the sale. Redemption may be made by paying to the Treasurer the amount for which the property was sold, together with one (1) per cent per month thereon. The Treasurer shall thereupon deliver to the person redeeming a certificate of redemption, stating the description

of the land sold, the name of the owner as it appeared on the assessment roll, and the amount paid on such redemption, and shall note the redemption on his list of sales. When such certificate of redemption shall be presented to the County Recorder where the land is situated, he shall mark the property as redeemed in his record of such sales. The Treasurer must pay the amount received on such redemption to the person holding the certificate of sale, upon presentation thereof, with satisfactory proof of ownership. When the district is purchaser, it may assign any certificate of sale to any person, within three (3) years after the sale, upon receipt of the amount for which the property was sold to the district, with interest from the date of sale. If no redemption be made within three (3) years after said sale, the Treasurer shall, upon request, execute a deed to the holder of the certificate, which deed shall recite and contain the matters required in deeds for property sold for County and States taxes, and, when so executed and delivered, shall have the same effect.

Approved March 15, 1917.

CHAPTER 153.

(H. B. No. 229.)

AN ACT

APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE CONSTRUCTION OF FIVE (5) WAGON BRIDGES ACROSS THE SNAKE RIVER, THREE BRIDGES BEING BETWEEN OWYHEE AND CANYON COUNTIES AND TWO BRIDGES BEING BETWEEN OWYHEE AND ADA COUNTIES; AUTHORIZING THE CONSTRUCTION OF SUCH BRIDGES UNDER THE DIRECTION OF THE STATE HIGHWAY COMMISSION AND PROVIDING THAT THE SAME SHALL BECOME THE PROPERTY OF THE COUNTIES IN WHICH SAID BRIDGES RESPECTIVELY ARE LOCATED UPON THE COMPLETION AND ACCEPTANCE THEREOF; PROVIDING THAT THE TOTAL COST AND FAIR VALUE OF ALL OF SAID BRIDGES SHALL NOT BE LESS THAN ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00), AND PROVIDING THAT IN THE CASE OF EACH BRIDGE TWO-THIRDS (2-3) OF THE TOTAL COST SHALL BE RAISED FROM OTHER SOURCES BEFORE ANY PART OF THE APPROPRIATION HEREIN PROVIDED FOR SHALL BE USED FOR THE CONSTRUCTION OF SUCH BRIDGES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. Five (5) wagon bridges shall be constructed

across Snake River, one at the town of Homedale, one at or near Frohman ferry, one at or near Walter's ferry, all between Canyon and Owyhee Counties; one at the Grandview ferry near Grandview, Idaho, and one at or near the McKeeth ferry, both between Ada and Owyhee Counties.

SEC. 2. Within the bounds hereinbefore specified the State Highway Commission shall select the site of said bridges, shall have general supervision of the approaches and construction of said bridges, shall supervise and control the disbursement of the funds provided therefor and shall certify the completion thereof to the Governor when the same are completed.

SEC. 3. Said bridges shall be constructed upon such plans and specifications as may be approved by the State Highway Commission and the construction of each bridge shall be let by contract to the lowest and best bidder, who shall give a good and sufficient bond for the construction of the same according to the plans and specifications aforesaid in such sum as said State Highway Commission may deem proper.

SEC. 4. When completed, accepted and paid for each of said bridges shall become and be the properties of the counties in which it is situated.

SEC. 5. For the purpose of furnishing part of the money to be used in the construction of said bridges and paying the other expenses which may be incurred under the provisions of this Act there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of Fifty Thousand Dollars (\$50,000.00).

SEC. 6. The appropriation herein made is authorized upon the following conditions: That the cost and fair value of said bridges, together with the necessary approaches, when completed, shall not be less than One Hundred and Fifty Thousand Dollars (\$150,000.00). In the case of each bridge two-thirds (2-3) of the total amount required for the payment of the cost of construction of said bridge and approaches shall be raised from other sources and shall be made available to the satisfaction of the Governor of the State of Idaho and of the State Highway Commission. In the case of each bridge it must satisfactorily appear to the Governor of the State of Idaho by the certificate of the State Highway Commission, that there is a right-of-way leading to the approaches of said bridge on each side of the river, the title to which is in the

public, and that such right-of-way is not less than fifty (50) feet in width and connects with public thoroughfares, before any of the moneys herein appropriated for the construction of that bridge shall be available for the purpose aforesaid.

Approved March 20, 1917.

CHAPTER 154.

(H. B. No. 233.)

AN ACT

AUTHORIZING BUYERS OF GRAIN, VEGETABLES AND OTHER FARM PRODUCTS TO DEDUCT THE WEIGHT OF SACKS IN BUYING; FIXING THE OWNERSHIP OF THE SACKS IN THAT EVENT; PROVIDING FOR THEIR RETURN TO THE OWNER, AND PROVIDING FOR A PENALTY AND THE MEASURE OF DAMAGES FOR A VIOLATION HEREOF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The buyer of grains, vegetables or other farm products sold by weight in sacks shall have the right to deduct the net weight of the sacks from the total weight before settling for the same: *Provided*, That when the weight of the said sacks are so deducted said sacks shall belong to the seller, and the buyer shall so mark the said sacks as to identify them properly and return them to the seller within sixty (60) days thereafter upon the seller paying the return freight charges on the same from the point of unsacking: *Provided, further*, That this law shall not apply where no deduction is made for the weight of the sacks.

SEC. 2. Any buyer, as mentioned in Sec. 1 of this Act, who violates the provisions thereof shall pay to the seller named therein the retail price of all sacks not returned within the 60 days, as provided, and if suit shall be started to recover the same he shall pay ten per cent in addition as liquidated damages and also a reasonable attorneys fee and costs.

Approved March 13, 1917.

CHAPTER 155.

(H. B. No. 236.)

AN ACT

TO AMEND SECTION 3038 OF THE REVISED CODES OF IDAHO

RELATING TO THE LIMITATION OF INDEBTEDNESS OF
AGRICULTURAL FAIR ASSOCIATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3038 of the Revised Codes of Idaho be and the same is hereby amended to read as follows:

Section 3038. Such corporation shall have the power to contract debts or liabilities in an amount not exceeding thirty per centum of the actual value of its real property; and it may also create a debt not exceeding five thousand dollars for the purchase of real property securing same by mortgage on the property of the corporation.

Approved March 13, 1917.

CHAPTER 156.

(H. B. No. 243.)

AN ACT

AMENDING SECTION 1917 OF THE POLITICAL CODE OF IDAHO AS AMENDED BY SECTION 1917e OF CHAPTER 143 OF THE SESSION LAWS OF 1913.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1917 of the Political Code of the State of Idaho as amended by Section 1917e of Chapter 143, Session Laws of 1913 be and the same is hereby amended to read as follows:

Section 1917e. To provide for the care and maintenance of the indigent sick or otherwise dependent poor of the county, erect, officer and maintain hospitals therefor or otherwise provide for the same, and to levy the necessary tax therefor per capita, not exceeding Two Dollars (\$2.00), and an ad-valorem tax not exceeding one-fourth of one per cent, or either of such levies when both are not required on all persons subject to poll-tax in the county and taxable property of the county.

It is Further Provided, That nothing herein shall be construed to prohibit such hospitals from accepting other patients in so far as their facilities not otherwise required will permit or to prevent those in charge or said officers in charge of said hospitals from accepting payments from such of their patients as are able to make partial payments for services ren-

dered and care given. The officer or officers of such hospitals shall render accounts and deliver all monies by them received to the county treasurer in such manner as provided by law for the handling of funds of this kind.

Approved March 16, 1917.

CHAPTER 157.

(H. B. No. 252.)

AN ACT

AUTHORIZING BOARDS OF COUNTY COMMISSIONERS TO APPROPRIATE FUNDS FOR COUNTY DEMONSTRATION WORK IN AGRICULTURE AND HOME ECONOMICS.

Be It Enacted by the Legislature of the State of Idaho :

SECTION 1. That the boards of county commissioners of the several counties within the State of Idaho are hereby authorized to appropriate funds for demonstration work in agriculture and home economics within said counties for the employment of a county agent or county agents in co-operation with the University of Idaho and the United States Department of Agriculture, in accordance with the terms and conditions of the law of Congress, No. 7951, commonly known as the Smith-Lever Act, the provisions of which have been accepted by the State of Idaho.

Approved March 14, 1917.

CHAPTER 158.

(H. B. No. 265.)

AN ACT

TO REPEAL SECTIONS 5850, 5851, 5852, 5853, 5854, 5855, 5857, 5858, 5859 AND 5860 OF THE REVISED CODES OF THE STATE OF IDAHO CONCERNING SOLE TRADERS.

Be It Enacted by the Legislature of the State of Idaho :

SECTION 1. That Sections 5850, 5851, 5852, 5853, 5854, 5855, 5857, 5858, 5859 and 5860 of the Revised Codes of the State of Idaho be and the same are hereby repealed.

Approved March 19, 1917.

CHAPTER 159.

(H. B. No. 278.)

AN ACT

RELATING TO THE TRANSFER OF WATER RIGHTS WHICH HAVE BEEN MADE APPURTENANT TO LANDS PURSUANT TO THE PROVISIONS OR OPERATION OF THE ACT OF THE CONGRESS OF THE UNITED STATES KNOWN AS THE CAREY ACT, AND PRESCRIBING THE MANNER IN WHICH SUCH TRANSFERS SHALL BE MADE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The owner of any land to which a water right has been made appurtenant pursuant to the provisions or operation of the Act of the Congress of the United States known as the Carey Act may transfer such water right, in whole or in part, to other land owned by him which can be served and irrigated by the same irrigation system, and may, by sale or by lease for a period not exceeding one year, transfer such water right or any portion thereof to another for use upon or in connection with any of such other lands, in the manner and on the conditions set forth in this Act.

SEC. 2. The transfer of a water right, in whole or in part, made by such person to other lands so owned by him shall be evidenced by a written instrument executed and acknowledged by such person as other conveyances of real estate, reciting therein the facts, stating the amount of the right transferred and describing the land from which and the land to which the transfer is to be made, and the transfer of a water right or any portion thereof from one person to another shall be evidenced by a written instrument containing similar recitals and executed and acknowledged in like manner by the grantor or lessor. All of such instruments shall be recorded in the office of the county recorder of the county or counties where the land is situated from which such right is transferred and also in the office of the county recorder of the county or counties where the land is situated to which such right is transferred, and to all of such instruments the recording acts of the State shall apply.

SEC. 3. For the purpose of carrying out the provisions of this Act, the board of county commissioners of a county in which is located any part of an irrigation system constructed pursuant to the Carey Act shall appoint as and for an irrigation

engineer a competent person who is versed in matters pertaining to the use of water for irrigation and in the operation of canals and ditches for such use, who shall hold his office for a term of two years, whose duties shall be as herein prescribed and who shall give bond in the amount of Five Thousand Dollars (\$5,000.00) for the faithful performance of such duties.

SEC. 4. Before the transfer of a water right shall take effect under this Act a person interested therein must apply to the board of directors of the corporation operating such Carey Act irrigation system for consent to the making of such transfer, and if such consent is given a resolution showing the same and the extent or portion of the right to be transferred shall be adopted by said board and a copy thereof, with proper reference to the date of its passage, shall be incorporated in the instrument evidencing such transfer, and upon the recording of such instrument, as provided in Section 3 of this Act, such transfer shall be complete.

SEC. 5. If the board of directors of the corporation operating such Carey Act system shall refuse its consent to the transfer of such water right, a written application for permission to make the same, showing the description of the land from which and of the land to which it is proposed to transfer such water right and the amount of the water right to be so transferred and the reasons for such transfer, shall be presented to said irrigation engineer who shall promptly make investigation of the matter and determine whether and to what extent the canal system and the other water users thereunder shall be affected or prejudiced if such transfer is allowed. If said irrigation engineer finds that such transfer of water right, in the manner and to the extent applied for, will not be prejudicial to said corporation or to the other water users under said irrigation system he shall issue his certificate approving the transfer, the same to be in duplicate, one part of which shall be filed with the secretary of such corporation and the other shall be delivered to the persons applying for such transfer and recorded in connection with the instrument of conveyance or lease, and if he finds that such transfer should be made only upon certain terms and conditions, then he shall prescribe and specify the terms and conditions upon which the transfer shall be allowed, and if they are complied with to his

satisfaction, he shall issue his certificate to that effect, the same being in duplicate as herein provided. If said irrigation engineer decides against such transfer, then he shall make his written report, giving the reasons for such decision.

SEC. 6. If any person or the board of directors of such Carey Act corporation shall feel aggrieved at the decision of said irrigation engineer, an appeal may be taken by such person or board to the district court of the county within which the land is situated from which it is proposed to transfer the water right by filing with the clerk of said court the written application so made to said irrigation engineer and his report thereon with a written statement of the appellant giving the reasons why such decision should not stand, and said court shall make determination of the matter, for which purpose a jury trial may be had at the direction of the court. The clerk of such court shall require the payment of a fee of Five Dollars (\$5.00) for the docketing of such appeal.

SEC. 7. For his services in passing upon an application for the transfer of a water right under this Act and making his certificate or report based thereon said irrigation engineer shall be entitled to receive from the applicant the sum of Ten Dollars (\$10.00) for each day or portion thereof necessarily required by him to do the work besides his actual and necessary expenses incurred in connection therewith, but shall receive no other compensation.

SEC. 8. When a transfer of a water right or of a portion thereof is made effectual under this Act, otherwise than by lease the certificate or certificates evidencing the ownership thereof shall be surrendered to the corporation, and the officers of the corporation shall issue new certificates to the person or persons entitled thereto, specifying the land or lands to which the water right is appurtenant after such transfer and the amount of such right which is appurtenant to any of said lands.

SEC. 9. A lease of a water right or of a portion thereof shall not change the appurtenancy of such right, but the same shall remain an appurtenant of the land of the lessor, subject only to the rights of the lessee to make use of the same.

SEC. 10. No water right or any portion thereof shall be transferred from one tract of land to another under the provisions of this Act where there is a valid existing mortgage or

other lien or incumbrance on the land to which such water right is appurtenant without the consent of the holder of such mortgage or other lien or incumbrance, which consent shall be evidenced by an instrument in writing executed and acknowledged as other instruments relating to the conveyance of real estate.

Approved March 13, 1917.

CHAPTER 160.

(H. B. No. 290.)

AN ACT

APPROVING AND CONFIRMING THE PURCHASE BY THE STATE BOARD OF LAND COMMISSIONERS, IN BEHALF OF THE STATE OF IDAHO OF THE IRRIGATION SYSTEM OF THE KING'S HILL IRRIGATION & POWER COMPANY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That the purchase by the State Board of Land Commissioners in behalf of the State of Idaho of the Irrigation System of the King's Hill Irrigation & Power Company at public sale on the 10th day of March, 1914, for the sum of Thirty Thousand Dollars (\$30,000.00) be and the same hereby is approved and confirmed.

Approved March 13, 1917.

CHAPTER 161.

(H. B. No. 341.)

AN ACT

TO AMEND SUBDIVISION (1) OF SECTION 2 OF CHAPTER 61 OF THE SESSION LAWS OF 1913 ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION OF THE PUBLIC UTILITIES COMMISSION, TO DEFINE ITS POWERS AND DUTIES AND THE RIGHTS, REMEDIES, POWERS AND DUTIES OF PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYES AND THE RIGHTS AND REMEDIES OF PATRONS OF PUBLIC UTILITIES, AND TO PROVIDE PENALTIES FOR OFFENSES BY PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYES, AND BY OTHER PERSONS AND CORPORATIONS, APPROPRIATING THE NECESSARY FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT, REPEALING SECTION 2839 OF THE REVISED

CODES OF THE STATE OF IDAHO AND CHAPTER 31, TITLE 8 OF THE REVISED CODES OF IDAHO, AND HOUSE BILL NO. 104 OF THE 1909 SESSION LAWS OF IDAHO, AND CHAPTER 49 OF THE 1911 SESSION LAWS OF THE STATE OF IDAHO, AND REPEALING ALL ACTS AND PARTS OF ACTS IN SO FAR AS THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT," APPROVED MARCH 13, 1913, AS AMENDED BY SECTION 1 OF CHAPTER 62 OF THE SESSION LAWS OF 1915 ENTITLED "AN ACT TO AMEND SECTIONS 2 AND 48 OF CHAPTER 61 OF THE SESSION LAWS OF 1913 ENTITLED 'AN ACT TO PROVIDE FOR THE ORGANIZATION OF THE PUBLIC UTILITIES COMMISSION, TO DEFINE ITS POWERS AND DUTIES, AND THE RIGHTS, REMEDIES, POWERS AND DUTIES OF PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYES, AND THE RIGHTS AND REMEDIES OF PATRONS OF PUBLIC UTILITIES AND TO PROVIDE PENALTIES FOR OFFENSES BY PUBLIC UTILITIES, THEIR OFFICERS, AGENTS AND EMPLOYES, AND BY OTHER PERSONS AND CORPORATIONS, APPROPRIATING THE NECESSARY FUNDS TO CARRY OUT THE PROVISIONS OF THIS ACT, REPEALING SECTION 2839 OF THE REVISED CODES OF IDAHO, AND HOUSE BILL NO. 104 OF THE 1909 SESSION LAWS OF IDAHO, AND REPEALING ALL ACTS AND PARTS OF ACTS IN SO FAR AS THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT', APPROVED MARCH 13, 1913; AND DECLARING AN EMERGENCY," APPROVED MARCH 11, 1915, AND ADDING TO SAID CHAPTER 61 OF THE SESSION LAWS OF 1913 SECTIONS 76 (a), 76 (b), 76 (c) AND 76 (d) PROVIDING FOR LICENSES FOR THE OPERATION OF AUTOMOBILES, AUTO STAGES, MOTOR VEHICLES AND MOTOR TRUCKS FOR HIRE AS COMMON CARRIERS AND THE CONDITIONS UNDER WHICH SUCH COMMON CARRIERS MAY OPERATE, AND PROVIDING FOR THE MANNER OF COLLECTION OF SUCH LICENSE FEES AND THE DISTRIBUTION THEREOF.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That subdivision (1) of Section 2 of Chapter 61 of the Session Laws of 1913 entitled "An Act to provide for the organization of the Public Utilities Commission, etc.", as amended by Chapter 62 of the Session Laws of 1915 entitled "An Act to amend Sections 2 and 48 of Chapter 61 of the Session Laws of 1913, etc.", be and the same is hereby amended to read as follows:

Subdivision (1). The term "common carrier," when used in this Act, includes (1) every railroad corporation, street railroad corporation, express corporation, dispatch, sleeping

car, dining car, drawing room car, freight line, refrigerator, oil, stock, fruit, car-loaning, car-renting, car-loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this State; (2) every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this State, and, (3) every corporation, person or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, managing, operating, driving or causing to be operated or driven or holding out by sign, voice or other device or by advertisement that they will drive, operate or cause to be driven or operated over any particular route or routes or over any route or routes or between specified termini for hire or compensation any automobile, auto stage, motor vehicle or motor truck or any other self-propelled motor vehicle for use in the business of carrying either passengers or freight or both, excepting such as run on rails or tracks not hereinbefore enumerated, and automobiles used exclusively as hearses, ambulances, hotel buses, taxicabs, touring cars or automobiles from garages upon call which have no specified routes of travel or automobiles or auto trucks used for carrying United States mails on star routes: *Provided, however,* That the word "common carrier," when hereafter used in this Act, shall be construed to mean all three classes in this subdivision specified, unless otherwise stated.

SEC. 2. That four new sections be added to said Chapter 61 of the Session Laws of 1913 entitled "An Act to provide for the organization of the Public Utilities Commission, etc.," to be numbered and to read as follows, to-wit:

Section 76 (a). No common carrier mentioned in subsection 3 of subdivision (1) of Section 2 hereof shall begin the business of carrying either freight or passengers or both until such carrier shall have first obtained under such rules and regulations, as may be prescribed by the Public Utilities Commission, a license from such commission to do business as such common carrier, and for such license such common carrier engaged in the business of carrying passengers shall pay for each automobile, auto stage, motor bus or motor vehicle owned,

used or operated by him in such business having a capacity of not to exceed five passengers, the sum of \$25.00 per annum; having a capacity exceeding five passengers and not exceeding seven passengers, the sum of \$30.00 per annum; having a capacity exceeding seven passengers and not exceeding twelve passengers, the sum of \$40.00 per annum, and having a capacity exceeding twelve passengers, the sum of \$50 per annum. And any such common carrier engaged in the business of carrying freight shall pay for such license for each automobile, auto stage, motor vehicle or motor truck owned, used or operated by such carrier in such business and having a capacity not to exceed one ton, the sum of \$25.00 per annum; having a capacity exceeding one ton and not exceeding two tons, the sum of \$30.00 per annum; having a capacity exceeding two tons and not exceeding three tons, the sum of \$40.00 per annum, and having a capacity exceeding three tons, the sum of \$50.00 per annum. And each automobile, auto stage, motor bus, motor vehicle or motor truck used in the business of common carrier shall bear in a conspicuous place a license plate having a number thereon corresponding to the number of the license issued to such common carrier owning, using or operating such automobile, auto stage, motor bus, motor vehicle or motor truck for such business and having the words "State of Idaho, Motor Bus License" and also the year of issue thereon, and such license plate shall be furnished free to such common carrier by the Public Utilities Commission and be of such design as may be prescribed by such commission: *Provided, however,* If such license is issued during the month of January, February or March of any year the grantee thereof shall pay the full license fee, as herein provided for, and if issued during the month of April, May or June in any year, the grantee thereof shall pay therefor three-fourths of the annual license fee as herein provided for, and if issued during the month of July, August or September of any year, the grantee thereof shall pay one-half of the annual license fee as herein provided for, and if issued during the month of October, November or December of any year, the grantee thereof shall pay one-fourth of the annual license fee as herein provided for.

Section 76 (b). A common carrier of the class mentioned in sub-section 3 of subdivision (1) of Section 2 hereof owning, using or operating five or less automobiles, auto stages, motor buses, motor vehicles or motor trucks in such business

of such common carrier before engaging in or commencing such business must execute a bond in the sum of \$5,000.00, payable to the State of Idaho, with one or more sureties to be approved by the Public Utilities Commission, and file the same with such commission, and any such common carrier owning, using or operating more than five automobiles, auto stages, motor buses, motor vehicles or motor trucks in the business of such common carrier shall execute and file a like bond in the sum of \$10,000.00. Such bond shall be for the benefit of any person injured by the negligence of such common carrier as the interest of such injured person therein may appear. If any such bond, by reason of a recovery against the same or for any other reason, shall become insufficient, such common carrier within thirty days after being notified by the Public Utilities Commission shall file with such commission such other bond as may be required by such commission, and a failure so to do shall operate to revoke the license granted to such person failing to file such additional bond, as hereinbefore required.

Section 76 (c). The commission immediately after this Act takes effect and is in force, shall prescribe rules and regulations to insure safe and convenient service by such common carriers of the class mentioned in sub-section 3 of subdivision (1) of Section 2 hereof, which rules and regulations may be changed from time to time and shall have the force and effect of orders of said commission.

Section 76 (d). The license fees provided for in Section 76 (a) of this Act shall be payable to the county assessor in the county in which any common carrier mentioned in sub-section 3 of subdivision (1) of Section 2 hereof applying for such license has his or its principal office and in the manner provided for the collection of the State automobile registration fees, and such license fees shall be paid over by such assessor to the county treasurer and be apportioned and distributed in like manner. The commission shall provide such assessor with application blanks for such license and the applicant therefor shall, at the time of making such payment, be given a receipt therefor, and shall make application for such license, which application, together with a duplicate receipt for the fees paid by such applicant, shall be forwarded by such assessor to the Public Utilities Commission: *Provided,*

That if for any reason said license is refused, such fee shall be refunded to such applicant.

Approved March 20, 1917.

CHAPTER 162.

(H. B. No. 378.)

AN ACT

TO AUTHORIZE THE GOVERNOR TO CONVEY THE TITLE AND INTEREST OF THE STATE OF IDAHO IN THE KING HILL PROJECT AND KING HILL EXTENSION PROJECT AND THE WORKS THEREOF TO THE UNITED STATES FOR REPAIR, RECONSTRUCTION OR OPERATION UNDER THE PROVISIONS OF THE FEDERAL RECLAMATION LAWS.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That whenever the Secretary of the Interior is willing to take over the King Hill project and King Hill Extension project for repair, reconstruction or operation under the provisions of the Federal Reclamation laws and Congress shall have made an appropriation for that purpose the governor of the State of Idaho is authorized to deed and convey to the United States all the right, title and interest of the State of Idaho in and to the said projects, the irrigation works thereof and the water rights, filings and appropriations appurtenant thereto or in connection therewith.

Approved March 16, 1917.

CHAPTER 163.

(H. B. No. 379.)

AN ACT

PROHIBITING THE ADVERTISEMENT OF INTOXICATING LIQUORS FOR SALE AND THE CIRCULATION OR DISTRIBUTION OF ANY CIRCULARS OR PRICE LISTS FOR THE SAME.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. If any person shall advertise or give notice by signs, bill boards, newspapers, periodicals, or otherwise, for himself or for another, of the sale or keeping for sale of liquors, or shall circulate or distribute any price lists, circulars

or order blanks, advertising liquors, or publish any newspaper, magazine, periodicals or other written or printed papers in which such advertisements or notices are given, or shall permit any such notices or any advertisement of liquors (including bill boards) to be posted upon his premises or premises under his control, or shall permit the same to remain upon such premises, he shall be guilty of a misdemeanor.

Approved March 16, 1917.

CHAPTER 164.

(H. B. No. 383.)

AN ACT

AMENDING SECTION 2439 OF THE IDAHO REVISED CODES.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2439 of the Idaho Revised Codes is hereby amended to read as follows:

Section 2439. No state lands included within any legally organized irrigation district shall ever be assessed, nor shall any of the preceding sections relative to the levying and collecting of assessments and taxes apply. The county recorder of every county in which certificates of sale of any state lands for irrigation district taxes have heretofore been filed or recorded shall cancel the same upon the records of said counties.

Approved March 14, 1917.

CHAPTER 165.

(H. B. No. 388.)

AN ACT

AMENDING SECTION 25 OF THE REVISED CODES OF IDAHO AS AMENDED BY AN ACT OF THE TENTH SESSION OF THE LEGISLATURE, LAWS OF 1909, PAGE 106, AND FURTHER AMENDED BY CHAPTER 227 OF THE SESSION LAWS OF 1911, AND FURTHER AMENDED BY CHAPTER 188 OF THE SESSION LAWS OF 1913, AND FURTHER AMENDED BY CHAPTER 126 OF THE SESSION LAWS OF 1915 RELATIVE TO THE APPORTIONMENT OF THE SENATE AND HOUSE OF REPRESENTATIVES; PROVIDING THAT EACH COUNTY SHALL CONSTITUTE A SENATORIAL DISTRICT AND ELECT ONE SENATOR; PROVIDING THE BASIS OF APPORTIONMENT FOR MEMBERS OF THE HOUSE OF

REPRESENTATIVES, AND REPEALING ALL ACTS IN CONFLICT HEREWITH.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 25 of the Revised Codes of Idaho as amended by an act of the Tenth Session of the Legislature, Laws of 1909, page 106, and further amended by Chapter 227 of the Session Laws of 1911, and further amended by Chapter 188 of the Session Laws of 1913, and further amended by Chapter 126 of the Session Laws of 1915 be and the same hereby is amended to read as follows:

Section 25. The apportionment of the houses of the Legislature is and shall be as follows:

Each county in the State of Idaho and any county which may hereafter be created shall constitute a senatorial district and shall elect one senator.

The several counties shall elect members of the House of Representatives as follows: Each county shall elect one representative for each 2,500 votes and remaining fraction thereof amounting to 1,000 votes or more cast in said county at the last general election, based on the total vote cast for all candidates for Governor: *Provided*, That there shall be at least one representative from each county. It shall be the duty of the Secretary of State to certify to the county auditor of each county on or before the first day of April, 1918, and biennially thereafter the number of representatives in the Legislature said county will be entitled to elect at the following election. When any new counties have been created, subsequent to the last general election for Governor, the total vote cast for Governor in the territory included in any such new county and in the territory remaining in any county or counties from which said new county or counties have been created shall be estimated by the Secretary of State as nearly as possible from the election returns and the legislative apportionment figured thereon.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 15, 1917.

CHAPTER 166.

(H. B. No. 119.)

AN ACT

TO AMEND SECTION 3264 OF THE REVISED CODES OF THE STATE OF IDAHO AS AMENDED BY SECTION 1 OF CHAPTER 34 OF THE ACTS OF THE THIRTEENTH SESSION OF THE IDAHO LEGISLATURE ENTITLED "AN ACT TO ABOLISH THE OFFICES OF THE WATER COMMISSIONERS AND LODGING THE POWERS AND DUTIES OF THOSE WHO HAVE HERETOFORE ACTED AS WATER COMMISSIONERS IN THE STATE ENGINEER, ETC.," APPROVED MARCH 8TH, 1915; BY PROVIDING FOR AN APPEAL FROM THE ACTION OF THE STATE ENGINEER IN REFUSING TO ISSUE A CERTIFICATE AUTHORIZING THE TRANSFER OF WATER.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3264 of the Revised Codes of the State of Idaho as amended by Section 1 of Chapter 34 of the acts of the Thirteenth Session of the Legislature entitled "An Act to abolish the offices of the water commissioners and lodging the powers and duties of those who have heretofore acted as water commissioners in the State Engineer, etc.," approved March 8th, 1915, be and the same is hereby amended to read as follows:

Section 3264. All rights to the use of water acquired under this chapter or otherwise shall be lost and abandoned by a failure for the term of five years to apply it to the beneficial use for which it was appropriated, and when any right to the use of water shall be lost through non-use or abandonment such rights to such water shall revert to the State and be again subject to appropriation under this chapter: *Provided*, That any person owning any land to which water has been made appurtenant, either by a decree of the court or under the provisions of this chapter, may voluntarily abandon the use of such water in whole or in part on the land which is receiving the benefit of the same and transfer the same to other land. Such person desiring to change the place of use of such water shall first make application to the State Engineer, stating fully in such application the reason for making such transfer. Such applications shall describe the land, the use of water on which it is to be abandoned and shall describe the land to which it is desired to have such right transferred, and if such water is to be conducted to such land through another canal or lateral

or from a different point of diversion than the one described in the license or decree of the court confirming such right, such facts shall be fully set out in such application, and, if the State Engineer shall require it, a plat showing the location of such land and ditches or canals or points of diversion shall be furnished by such applicant, and upon receipt of such application the State Engineer shall examine the same and shall, provided no one shall be injured by the transfer issue to each such applicant, under the seal of his office, a certificate authorizing such transfer, which certificate shall state the name of the applicant and shall contain a copy of the license or an abstract of the decree confirming the right to the use of the water upon the land from which it is desired to transfer such right and a description of the land to which such right is transferred. A fee of One Dollar shall be paid to the State Engineer by such applicant for such certificate of transfer issued by him and such application shall be recorded by the State Engineer in a book kept for that purpose, and the State Engineer shall not thereafter divert to or upon the lands, the water for which has been so abandoned, any of such water, but shall divert such water from such stream so that it may be used on the lands to which such right has been transferred: *Provided further*, That any person or persons who are owners by decrees of court or by appropriation of a water right and who have, with reasonable diligence, annually increased the beneficial use of the water covered by such water right or who do hereafter with reasonable diligence annually increase the beneficial use of the water held under such water right shall not be subject to the penalties of abandonment and loss by non-use of such water right, as provided in this section.

Any person or persons feeling themselves aggrieved by the determination of the State Engineer in issuing or refusing, upon application for permission to change the place of use of water, to issue a certificate authorizing such transfer may, within sixty days from the date of such refusal, appeal to the district court for the county in which the land is situated to which such water is appurtenant. Such appeal shall be perfected when the appellant shall have given written notice of such appeal to the State Engineer and shall have filed in the office of the clerk of the district court a copy of the application for change of place of use, certified by the State Engi-

neer as a true copy and having endorsed thereon the order of the State Engineer refusing to grant a certificate authorizing such transfer, together with a petition to such court setting forth the appellant's reason for such appeal and evidence of service of notice of appeal on the State Engineer. Such appeal shall be heard and determined upon such competent proof as shall be adduced by the appellant, and such like proofs as shall be adduced by the State Engineer or some person duly authorized in his behalf.

Approved March 14, 1917.

CHAPTER 167.

(H. B. No. 314.)

AN ACT

AMENDING THE REVISED CODES OF IDAHO BY ADDING FOUR NEW SECTIONS, NUMBERED 2437a, 2437b, 2437c AND 2437d, RELATING TO THE MODIFICATION AND DISSOLUTION OF IRRIGATION DISTRICTS

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That four new sections are hereby added to the Revised Codes of Idaho, to be numbered Sections 2437a, 2437b, 2437c and 2437d and to read as follows:

Section 2437a. Whenever twenty-five (25) or a majority of the land owners in any irrigation district heretofore organized or hereafter to be organized so desire they may petition the board of directors to call a special election for the purpose of submitting to the qualified electors of such irrigation district a proposal to vote on the modification of such district by the exclusion of land within its boundaries or a proposal to vote on the dissolution of such district, as the case may be. Such petition shall set forth the reasons for such proposal and in case it is proposed to modify said district by the exclusion of lands therein shall set forth particularly the land to be excluded and the reasons therefor. Such petition for modification or dissolution of the district either shall state that all outstanding bonds, warrants and other obligations of every nature whatsoever against said district have been fully satisfied and paid or shall set forth facts showing reasonable ground for the belief that the consent of the holders of all outstanding bonds, warrants and other obligations of the dis-

strict to the proposed modification or dissolution thereof, as the case may be, can be obtained. It shall be the duty of the said board of directors, if it approves said petition, to call an election for the purpose of submitting to the qualified electors of the district the proposal specified in said petition.

Section 2437b. Notice of such election must be given by posting notices in three (3) public places in each election precinct in said district at least four (4) weeks before the date of said election and by the publication thereof for the same length of time in some newspaper published in each county in which the district or any part thereof is located. Such notice must specify the time and place of holding such election and, in case such election involves the exclusion of land from the district, must describe the land proposed to be excluded. Such election must be held in all respects as near as practicable in conformity with the provisions of law governing elections upon the organization of irrigation districts. All persons who possess the qualifications of electors under the general laws of the State and are residents of said district may vote at such election. Upon the ballots used at such election should be written or printed "For Modification, Yes" and "For Modification, No" or "For Dissolution, Yes" and "For Dissolution, No", depending upon the nature of the proposal to be voted upon.

Section 2437c. On the first Monday after any such election the board of directors of the district shall meet at its usual place of meeting to canvass the returns, and when they shall have declared the result the secretary shall make full entry in his record.

Section 2437d. Immediately after such election, in case the proposal has carried by a majority vote, the board of directors of the irrigation district shall file in the district court of the county in which their office is situated a petition praying in effect that the proceedings aforesaid for the modification or dissolution of the district, as the case may be, may be examined, approved and confirmed by the court. The petition shall set forth a full description of the land formerly embraced within said irrigation district which is affected by the proceedings for the modification or dissolution of such district, as the case may be, shall set forth generally the proceedings taken with reference to the petition and the election

specified in the preceding sections of this Act and shall set forth fully every item of indebtedness of the district with the name and residence of the holder thereof so far as known to the secretary of the district. In case any items of indebtedness are in the hands of unknown owners they shall be so listed.

Said proceedings shall be in the nature of a suit to quiet title with respect to so much of the land within said district as is affected by the proposal to modify or dissolve the same. In such proceedings the board of directors shall be the parties plaintiff and the holders of any obligations of the district, including obligations which are or might become liens against any of said lands, are parties defendant. The provisions of Sections 4114, 4115 and 4116, Revised Codes of Idaho, so far as they can be made applicable, shall govern generally the pleadings, summons, proceedings and force and effect of the decree.

The court shall set a day for the hearing of such petition and if it appears to the court from the proof adduced thereat that there are no outstanding bonds, warrants or other indebtedness of such district, or in case there is any such indebtedness outstanding that the holders thereof have filed no objection to the proceedings, or have filed their consent thereto, then the court shall enter its decree confirming the said proceedings. Said decree shall describe particularly the lands involved and thereafter such lands shall be considered as unaffected by any of the matters done by such irrigation district while such lands were a part thereof: *Provided*, That the election authorized by the preceding sections of this Act shall have no force or effect to modify or dissolve any district until confirmed by the decree of court as herein set forth

Approved March 17, 1917.

CHAPTER 168.

(H. B. No. 272.)

AN ACT

TO AMEND SECTION 1 OF CHAPTER 95, SESSION LAWS, 1915, PAGE 219, PROVIDING FOR THE ISSUANCE OF FREE TRANSPORTATION TO ANY MEMBER OF THE LEGISLATURE WHO IS AN EMPLOYEE OF SUCH COMMON CARRIER

AND TO FORMER EMPLOYES OF TWENTY YEARS' SERVICE AND THEIR DEPENDENTS.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 95 Session Laws of 1915 be amended to read as follows:

Section 1. From and after the time this Act takes effect it shall be lawful for any railroad company or corporation engaged and duly authorized to engage in the business of a common carrier of passengers within this State to issue to any duly elected or appointed and acting state official or deputy of such official, exclusive of members of the Legislature, or to any sheriff or deputy sheriff a free ticket or other form of free transportation between any two points in this State when the travel between such points is wholly within the State and when the Public Utilities Commission shall have certified to said company or corporation that the duties of said official or deputy require him to travel between said points and that the issuance of said free ticket or transportation will result in a saving to the State or county sufficient to justify the issuance of said certificate: *Provided*, That it shall be lawful for any common carrier to issue a free ticket or other form of free transportation to any member of the Legislature who is an actual and bona fide employe of such common carrier, but no member of the Legislature shall use a free ticket or other form of free transportation in traveling to or from any session of the Legislature or while the Legislature is in session; and, *Provided further*, That it shall also be lawful for any common carrier to issue a free ticket or other form of transportation to former employes who have been in the employ of such common carrier for a period of not less than twenty years and to those dependent upon such former employes.

Approved March 17, 1917.

CHAPTER 169.

(H. B. No. 144.)

AN ACT

TO PROVIDE FOR THE SEPARATION FROM CITIES, TOWNS OR VILLAGES OF PLATTED OR UNPLATTED AGRICULTURAL LANDS INCLUDED WITHIN THE CORPORATE LIMITS OF SUCH CITIES, TOWNS OR VILLAGES, AND PROVIDE A METHOD AND PROCEDURE THEREFOR.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. The owner or adjoining owners of any platted or unplatted tract or tracts of land containing not less than five acres, included within the corporate limits of any city, town or village in this State and used exclusively for agricultural purposes, except any tract or tracts of land that are situated within one-half mile of any water pipe-line, sidewalk or street that has been installed or constructed under the supervision of any such city, town or village, may petition the district court of the county in which such tract or tracts of land are situated for a judgment and decree of the court detaching such tract or tracts of land from such city, town or village.

SEC. 2. Upon the filing of such petition with the clerk of such court and paying a fee of Ten Dollars (\$10.00), which fee shall be in full for all clerk's fees except the regular fees provided by law on the appeals, the said court shall fix a time for the hearing thereupon, which shall not be less than thirty (30) days from the date of filing of such petition, and the petitioners shall serve or cause to be served a notice of such hearing upon the mayor or clerk of such city, town or village at least twenty (20) days before the time fixed for such hearing.

The said petitioner or petitioners shall also cause to be published once a week in two consecutive weekly issues in some newspaper published in said city, town or village where the land sought to be detached is situated, or, in case no newspaper is published in said city, town or village, cause notices to be posted in at least three conspicuous places in said city, town or village, said notice stating the time and place of such hearing and that any person desiring to protest or object to the granting of the prayer of said petition may do so by filing with the clerk of said court at least two days before the day set for the hearing of said petition his objections or protests in writing. Such notice shall state generally the purpose of the petition and the location and description of the land sought to be detached from the corporate limits of said city, town or village: *Provided*, That the hearing herein provided on said petition shall be held within the corporate limits of the city, town or village in which said lands sought to be detached are situated. The regular district court reporter shall reduce

to writing the testimony and evidence introduced, the same as in trial of civil actions: *Provided further*, That the petitioner or petitioners may, after any such petitions or objections are filed with the clerk at any time before the hour of the hearing on said petition, in their discretion, file with the judge or clerk replies in writing to said protests or objections. Neither said petition nor objections, protests nor reply need be verified: *Provided further*, That the judge of such court, either before or after said hearing, may view the lands and premises sought to be detached, as well as other lands or property within the corporate limits of such city, town or village, which might in any way be affected by the granting of such petition, and lands on the outside of such city, town or village in the same vicinity or locality in which the lands sought to be detached are situated, and may consider such conditions as he finds in connection with the evidence introduced on the hearing, in making and arriving at his final decision and determination of the matter: *Provided further*, That no tract or tracts of land shall be detached from any city, town or village which, by such detachment, would materially mar the symmetry of such city, town or village.

SEC. 3. If, upon the hearing, the court shall find that such tract or tracts of land are tracts containing at least five (5) acres and are included within the corporate limits of such city, town or village and the lands included within such tract or tracts are used exclusively for agricultural purposes, that such lands do not receive sufficient special benefits to justify the retention of said lands within the corporate limits of such city, town or village and that by the detachment of said lands the symmetry of the city, town or village would not be materially marred, then the judge of said court shall grant the prayer of said petition and shall enter judgment and decree accordingly: *Provided, however*, That if said petition prays for detaching several tracts of land the court may enter judgment granting the prayer of the petition as to such tract or tracts as come within his findings as aforesaid and deny such petition as to such tract or tracts which do not come within his findings as aforesaid. And said tract or tracts of land sought to be detached and for which the said judgment is entered detaching the same shall, upon the entering of said judgment, become detached from such city, town or village and the corporate boundary line or limits of said city, town or

village shall be deemed changed accordingly, and said tract or tracts so detached shall be free from the government of such city, town or village from said date: *Provided further*, That it shall not be necessary for the judge of the court, prior to entering his said judgment, or at any time, to make written findings of fact or conclusions of law. Within twenty (20) days after the filing of said decree the petitioner shall file or cause to be filed with the county recorder and with the city, town or village clerk a certified copy thereof.

SEC. 4. Such separation shall not relieve any such tract of land from its liability on account of any outstanding bonded indebtedness of such city, town or village existing at the time of its separation therefrom.

SEC. 5. The detaching of any lands from the corporate limits of any city, town or village under the provisions of this Act shall not affect or change the status of any public streets or highways as the same are laid out, constructed or dedicated at the time of such detachment.

SEC. 6. Any city, town or village or any person aggrieved by the judgment of the court entered as herein provided may appeal from such decision and judgment to the Supreme Court of the State of Idaho. The procedure of said appeal shall be the same as the procedure on appeal from final judgment in civil actions as provided under the laws of the State of Idaho.

Approved March 17, 1917.

CHAPTER 170.

(H. B. No. 257.)

AN ACT

AMENDING SECTION 99 OF CHAPTER 58, SESSION LAWS 1913, BY PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS SHALL LEVY A TAX FOR GENERAL SCHOOL PURPOSES WHICH SHALL BE SUFFICIENT TO RAISE A MINIMUM SUM OF FIFTEEN DOLLARS (\$15.00) PER CAPITA OF SCHOOL ENUMERATION.

Be it Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 99 of Chapter 58, Session Laws 1913, be and the same hereby is amended to read as follows:

Section 99. The board of county commissioners of each

county in this State must levy annually upon all the taxable property of said county a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund, which levy shall not exceed fifty cents on each one hundred dollars of the assessed valuation of said property in counties where the assessed valuation is five million dollars or over and seventy-five cents on each one hundred dollars of the assessed valuation of said property where the assessed valuation is less than five million dollars for the year in which such levy is made, and upon the same property and for the same year the said board must also levy a tax for general road purposes, to be collected and paid into the county treasury and apportioned to the county road fund, except as otherwise provided by law, which levy shall not exceed twenty-five cents on each one hundred dollars of such assessed valuation, and upon the same property and for the same year the said board may also levy a tax for the repair and construction of bridges, to be collected and paid into the county treasury and apportioned to the county bridge fund, except as otherwise provided by law, which levy shall not exceed ten cents on each one hundred dollars of such assessed valuation, and upon the same property and for the same year the board must also levy a tax for general school purposes, to be collected and paid into the county treasury and apportioned to the county school fund, which levy shall be sufficient to raise a minimum sum of Fifteen Dollars (\$15.00) per capita of school enumeration, and upon the same property and for the same year the said board must levy a tax for the redemption of outstanding county warrants issued prior to the second Monday of April in said year, to be collected and paid into the county treasury and apportioned to the county warrant redemption fund, which levy must be sufficient for the redemption of all such outstanding county warrants before the second Monday of April in the succeeding year, unless the amount of such outstanding warrants exceeds the amount that would be raised by a levy of one hundred cents on each one hundred dollars of such assessed valuation, in which case the board must annually levy a tax of one hundred cents on each one hundred dollars of such assessed valuation for the redemption of such outstanding warrants, and upon the same property and for the same year the said board must also levy such other taxes as may be necessary for the payment of the in-

terest on county bonds or to provide a sinking fund for the redemption of county bonds or such other authorized taxes as may be necessary for any other or special purposes, to be collected and paid into the county treasury and apportioned as provided by the laws of this State: *Provided*, That all taxes levied in any year for the county current expense fund, county road fund and county bridge fund and collected on or after the second Monday of April in the succeeding year and any tax levied for any purpose and which is no longer needed for such purpose when collected must be paid into the county treasury and apportioned to the county warrant redemption fund, except as otherwise provided by law. All money in the county treasury on the second Monday of April to the credit of the county current expense fund, county road fund, county bridge fund or any other fund which is no longer needed must be transferred to the county warrant redemption fund upon the books of the county auditor and county treasurer by resolution of the board of county commissioners entered upon the records of the proceedings.

SEC. 2. That all acts and parts of acts in conflict with this Act be and the same are hereby repealed to the extent of such conflict.

Approved March 20, 1917.

SENATE JOINT RESOLUTION NO. 2.

A JOINT RESOLUTION

DECLARING THE NECESSITY FOR CALLING A CONVENTION TO REVISE OR AMEND THE CONSTITUTION OF THE STATE OF IDAHO: RECOMMENDING TO THE ELECTORS OF SAID STATE TO VOTE AT THE NEXT GENERAL ELECTION FOR OR AGAINST A CONVENTION, AND PRESCRIBING THE MODE OF SUBMITTING SUCH QUESTIONS TO THE ELECTORS.

WHEREAS, Important changes have taken place in the social and economic life of the people of Idaho during the twenty-seven years that have elapsed since the adoption of the present Constitution, which changes have made it necessary to already add twenty-four amendments to such Constitution, at great cost, with a constantly increasing demand for many additional amendments, the effect of which is to create conflicting provisions and uncertainties in the fundamental Law;

THEREFORE, be it resolved by the Legislature of the State of Idaho:

SECTION 1. That it is deemed necessary to call a convention to revise or amend the Constitution of the State of Idaho.

SEC. 2. That it is hereby recommended to the Electors of said State, to vote at the next general election, to be held on Tuesday succeeding the first Monday in November, 1918, for or against a convention for such a purpose.

SEC. 3. There shall be submitted to the Electors, in the manner provided by law for the submission of "Other Questions" the question "shall there be a convention to revise or amend the Constitution?"

SEC. 4. There shall be printed on the official ballot provided for such purpose, the question "shall there be a convention to revise or amend the constitution?" And, on the line below such question, the words, "Constitutional Convention"—"Yes", and, on the next line below, the words "Constitutional Convention"—"No." The voter may place a cross (X), within one of the circles provided on the ballot opposite said questions, and thereby he votes.

SEC. 5. That the Secretary of State is hereby authorized to make publication of this resolution in each County of the State for at least six consecutive weeks prior to the next general election, in not less than one newspaper of general circulation published in each county.

Passed the Senate Feb. 15, 1917.

Passed the House March 2, 1917.

SENATE JOINT RESOLUTION NO. 4.

A JOINT RESOLUTION

PROPOSING AMENDMENT OF SECTION 4 OF ARTICLE 12 OF THE CONSTITUTION OF THE STATE OF IDAHO, AND SUBMITTING TO THE ELECTORS OF THE STATE FOR THEIR REJECTION OR APPROVAL THE QUESTION OF WHETHER SAID SECTION SHALL BE SO AMENDED AS TO PERMIT COUNTIES AND MUNICIPALITIES TO BECOME STOCKHOLDERS IN AND GIVE FINANCIAL AID TO FAIR ASSOCIATIONS NOT ORGANIZED FOR PECUNIARY PROFIT.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 4, Article 12 of the Constitution of the State of Idaho be amended to read as follows:

Article 12—Sec. 4. No county, town, city or other municipal corporation, by vote of its citizens or otherwise, shall ever become a stockholder in, or raise money for, or make donation or loan its credit to, or in aid of, any joint stock company, corporation or association, other than fair associations not organized for pecuniary profit. But cities and towns may contract indebtedness for school, water, sanitary and illuminating purposes, *Provided*, that any city or town contracting such indebtedness shall own its just proportion of the property thus created, and receive from any income arising therefrom, its proportion to the whole amount so invested.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows, to-wit:

Shall Article 12, Section 4, of the Constitution of the State be so amended as to permit counties and municipalities to become stockholders in and give financial aid to fair associations not organized for pecuniary profit?

SEC. 3. The Secretary of State is hereby authorized to make publication of this proposed constitutional amendment in each county once a week for six consecutive weeks prior to the next general election, in a newspaper of general circulation published in each county.

Passed the Senate Feb. 7, 1917.

Passed the House Feb. 19, 1917.

SENATE JOINT RESOLUTION NO. 5.

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE 4 OF THE STATE CONSTITUTION, ABOLISHING THE OFFICE OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 1, Article 4 of the Constitution of the State of Idaho be amended to read as follows:

Sec. 1. The executive department shall consist of a Gov-

ernor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, and Attorney General, each of whom shall hold his office for two years beginning on the first Monday in January next after his election, except as otherwise provided in this Constitution. The officers of the executive department, excepting the Lieutenant Governor, shall, during their terms of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be prescribed by law.

SEC. 2. The question to be submitted to a vote of the people at the next general election shall be as follows:

“Shall Section 1, Article 4 of the Constitution of the State of Idaho be amended so as to abolish the office of Superintendent of Public Instruction?”

SEC. 3. The Secretary of State shall cause publication of this proposed constitutional amendment to be made once a week for six consecutive weeks prior to the next general election in not less than one newspaper of general circulation published in each county.

Passed the Senate Feb. 21, 1917.

Passed the House March 10, 1917.

SENATE JOINT RESOLUTION NO. 10.

A JOINT RESOLUTION

TO AMEND SECTION 1 OF ARTICLE 8 OF THE CONSTITUTION OF THE STATE OF IDAHO AND TO SUBMIT TO THE ELECTORS OF THE STATE OF IDAHO, FOR THEIR REJECTION OR APPROVAL, AN AMENDMENT TO SECTION 1, ARTICLE 8, OF THE CONSTITUTION OF THE STATE OF IDAHO, LIMITING THE INDEBTEDNESS THAT MIGHT BE INCURRED TO THE SUM OF ONE PER CENTUM UPON THE ASSESSED VALUATION OF THE TAXABLE PROPERTY IN THE STATE.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Article 8 of the Constitution of the State of Idaho be amended to read as follows:

Sec. 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, exclusive of the debt of the Territory at

the date of its admission as a State, and exclusive of debts or liabilities incurred subsequent to January 1, 1911, for the purpose of completing the construction and furnishing of the State Capitol Building at Boise, Idaho, exceed the sum of one per centum upon the assessed value of the taxable property in the State, except in case of war to repel an invasion or suppress an insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for payment of the interest of such debt, or liability, as it falls due and also for the payment and discharge of the principal of such debt, or liability, within twenty (20) years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged. But no such law shall take effect, until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by the authority of such laws, shall be applied only to specified objects therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city, and county, if one be published therein, throughout the State for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law, by the people, if no debts shall have been contracted in the pursuance thereof, repeal the same.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows, to-wit:

"Shall Section 1, Article 8 of the Constitution of the State of Idaho be amended so as to limit the bonded indebtedness of the State, exclusive of the debt of the territory at the date of its admission as a State, and exclusive of debts and liabilities incurred subsequent to January 1, 1911, for the purpose of the construction and furnishing of the State Capitol at Boise, Idaho, to a sum not greater than one per centum upon the assessed value of the taxable property in the State?"

SEC. 3. The Secretary of State is hereby authorized to make publication of this constitutional amendment in each county of the State for at least six (6) consecutive weeks

prior to the next general election in not less than one (1) newspaper of the general circulation published in such county.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

HOUSE JOINT RESOLUTION NO. 8.

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 4 OF ARTICLE 11 OF THE CONSTITUTION OF THE STATE OF IDAHO; SUBMITTING TO THE ELECTORS OF SAID STATE FOR THEIR REJECTION OR APPROVAL THE QUESTION WHETHER SECTION 4 OF ARTICLE 11 OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO THE MANNER OF VOTING FOR THE ELECTION OF DIRECTORS OR MANAGERS OF INCORPORATED COMPANIES SHALL BE AMENDED SO AS TO ELIMINATE CO-OPERATIVE ASSOCIATIONS FROM THE PROVISIONS OF SAID SECTION.

Be It Resolved by the House of Representatives of the State of Idaho, the Senate Concurring:

SECTION 1. That Section 4 of Article 11 of the Constitution of the State of Idaho be amended to read as follows:

Section 4. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, except co-operative associations, every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors, multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and such director shall not be elected in any other manner.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

SHALL SECTION 4 OF ARTICLE 11 OF THE CONSTITUTION OF THE STATE OF IDAHO BE SO AMENDED AS TO PROVIDE THAT CO-OPERATIVE ASSOCIATIONS SHALL NOT BE GOVERNED BY THE PROVISIONS OF SAID SECTION RELATING TO THE MANNER OF VOTING FOR DIRECTORS OR MANAGERS OF INCORPORATED COMPANIES?

SEC. 3. The Secretary of State is hereby authorized to make publication of this constitutional amendment in each county of the State for at least six consecutive weeks prior to the next general election in not less than one newspaper of general circulation published in each county.

Passed the House Feb. 1, 1917.

Passed the Senate Feb. 19, 1917.

SENATE JOINT MEMORIAL NO. 1.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, AND CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; that,

WHEREAS the Ft. Hall Indian Reservation in the State of Idaho is so situated with reference to the surrounding farming territory that a great many ranchers and farmers living on farms surrounding the said Indian Reservation are necessarily forced to cross the same in hauling their produce to and their supplies from market, and,

WHEREAS the said Indian Reservation lies partly within the territory included within the boundaries of three counties in the State of Idaho, and,

WHEREAS the land included within the said reservation is not subject to taxation, and travel in this part of the State must necessarily cross the said reservation, and the construction of good roads thereon would work a great and unjust hardship upon the settlers living in the surrounding and contiguous territory, and,

WHEREAS, a great many Indians living on the said reservation are now engaged in farming and are much in need of good roads to assist them in hauling their produce to and their supplies from market, and,

WHEREAS, the construction of good roads on this said Indian Reservation would be of incalculable benefit to the Indians living thereon both from a material and an educational point of view,

NOW, THEREFORE, your memorialists urgently request and recommend that the Indian appropriation bill now pending

before Congress be so amended as to include an appropriation of Fifty Thousand Dollars for the construction of good wagon roads on the Ft. Hall Indian Reservation, the said appropriation to be expended under the direction and supervision of the Superintendent of the said reservation for the construction of such roads as in his judgment are most imperatively needed.

The Secretary of State of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and copies of the same to the Senators and Representatives in Congress from this State.

Passed the Senate Jan. 10, 1917.

Passed the House Jan. 12, 1917.

SENATE JOINT MEMORIAL NO. 2.

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

Your Memorialists, the Legislature of the State of Idaho, Respectfully Represents; that,

WHEREAS, The United States Reclamation Department has constructed what is known as the "Jackson Lake Reservoir", in the Jackson Hole Valley in the northwestern part of the State of Wyoming, for the purpose of storing and reservoiring the headwaters of the South Fork of Snake River; and,

WHEREAS, The Reclamation Department of the United States uses the South Fork of said Snake River to convey its stored water from said Jackson Lake Reservoir down the channel thereof to the various Minidoka Government Reclamation Projects in the Counties of Cassia and Minidoka, in the State of Idaho, and

WHEREAS, The said South Fork of Snake River is an interstate stream, and

WHEREAS, The waters of said stream have during the past few years done a vast amount of damage to adjacent or bordering lands along the banks thereof in Jefferson and Madison Counties in the State of Idaho by washing away

many acres of valuable farming lands in the vicinity of Lorenzo, Idaho, in the Upper Snake River Valley, causing irreparable loss to the farmers and land owners at the place mentioned, and

WHEREAS, The channel of said stream has become clogged by reason of the accumulation of drift wood, gravel bars, and other obstructions in the vicinity of Lorenzo, Idaho, which causes the waters thereof to change their course, and in so doing has washed away a large amount of adjoining lands along the banks of said stream in Jefferson and Madison Counties, to the irreparable loss and damage of the farmers and land owners as herein set forth, which we feel Congress should remedy and prevent by an adequate appropriation to clear the channel of said stream at the place mentioned and riprap the banks thereof.

NOW, THEREFORE, Your memorialists urgently request and recommend the appropriation bill for the Reclamation Department of the Government, now pending before Congress, be so amended as to include an appropriation of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, for the purpose of clearing the channel and riprapping the banks thereof, where the same forms the boundary line between Jefferson and Madison Counties, near Lorenzo, Idaho, and prevent the waters flowing in said stream from changing its course and washing away the bordering farms and lands of the citizens of Idaho.

That said appropriation be expended under the direction and supervision of the Reclamation Department of the United States, as in its judgment will be most likely to permanently protect the farmers and land owners from the ravages of the waters of said stream.

That the Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from this State.

Passed the Senate Feb. 15, 1917.

Passed the House Feb. 24, 1917.

SENATE JOINT MEMORIAL NO. 3.

TO THE HONORABLE THE PRESIDENT OF THE UNITED STATES AND TO THE HONORABLE THE SECRETARY OF THE INTERIOR:

Your Memorialist, the Legislature of the State of Idaho, Respectfully Represents; that,

WHEREAS, by an Act of December 29, 1916, Congress has provided for stock-raising homestead entries, of not to exceed 640 acres, of lands "the surface of which is chiefly valuable for grazing and raising forage crops"; and,

WHEREAS, the Secretary of the Interior is authorized by the said Act, on application or otherwise, to designate the lands which shall be susceptible of entry under the said Act; and,

WHEREAS, The application of the said Act to the State of Idaho and the designation of lands thereunder would work great and irreparable injury to the small ranchers and farmers and stock men of this State in this: that the greater part of the said small ranchers, farmers and stock men will be ineligible to enter grazing lands under the Act designated above; that the grazing lands of Idaho are of such character that 640 acres used for grazing purposes only are wholly insufficient to support a family, that as a natural result of these facts, patents for the lands so designated will go to entrymen who cannot use the land for the purposes intended by Congress, and that the said lands will ultimately pass into the hands of the large cattle men and sheep men who will thus obtain a virtual monopoly of the grazing lands of this state, while the small ranchers, farmers and stock men will find themselves wholly deprived of lands available for grazing purposes; that much of the land subject to designation under the Act is of such character that if left open to other forms of entry, it will within a few years become available for dry farming purposes, as this industry is extended within our state; and,

WHEREAS, there is strong evidence to indicate that the lands already applied for have been applied for by dummy entrymen acting in the interest of the large cattle and sheep men of this and surrounding states;

NOW, THEREFORE, your memorialist urgently requests and recommends that no designation of lands open to entry

under the said Act be made within the State of Idaho until such time as Congress shall have amended the said Act by making it inapplicable to the State of Idaho, or shall have signified its refusal to so amend the same.

The secretary of State of the State of Idaho is hereby instructed to forward this memorial to the President of the United States and to the Secretary of the Interior at Washington, D. C.

Passed the Senate Jan. 24, 1917.

Passed the House Jan. 31, 1917.

SENATE JOINT MEMORIAL NO. 4.

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

Your Memorialist, the Legislature of the State of Idaho, Respectfully Represents; that,

WHEREAS, by an Act of December 29, 1916, Congress has provided for stock-raising homestead entries, of not to exceed 640 acres, of lands "the surface of which is chiefly valuable for grazing and raising forage crops"; and,

WHEREAS, the Secretary of the Interior is authorized by the said Act, on application or otherwise, to designate the lands which shall be susceptible of entry under the said Act; and,

WHEREAS, the application of the said Act to the State of Idaho and the designation of lands thereunder would work great and irreparable injury to the small ranchers and farmers and stock men of this state in this: that the greater part of the said small ranchers, farmers and stock men will be ineligible to enter grazing lands under the Act designated above; that the grazing lands of Idaho are of such character that 640 acres used for grazing purposes only are wholly insufficient to support a family; that as a natural result of these facts, patents for the lands so designated will go to entrymen who cannot use the land for the purposes intended by Congress, and that the said lands will ultimately pass into the hands of the large cattle men and sheep men who will thus obtain a virtual monopoly of the grazing lands of this State, while the

small ranchers, farmers and stock men will find themselves wholly deprived of lands available for grazing purposes; that much of the land subject to designation under the Act is of such character that if left open to other forms of entry, it will within a few years become available for dry farming purposes, as this industry is extended within our State; and,

WHEREAS, there is strong evidence to indicate that the lands already applied for have been applied for by dummy entrymen acting in the interest of the large cattle and sheep men of this and surrounding states;

NOW, THEREFORE, your memorialist earnestly requests and recommends that the said Act be so amended by Congress at the earliest possible opportunity as to make it inapplicable to public lands within the territorial limits of the State of Idaho.

The Secretary of State of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and copies of the same to our Senators and Representatives in Congress.

Passed the Senate Jan. 24, 1917.

Passed the House Jan. 31, 1917.

SENATE JOINT MEMORIAL NO. 7.

PETITIONING THE CONGRESS OF THE UNITED STATES TO
CREATE THE IDAHO NATIONAL PARK.

Be It Resolved by the Senate of the State of Idaho, the House of Representatives Concurring:

WHEREAS, The State of Idaho is the only one of the intermountain states which has no park or monument of national interest within its borders, and

WHEREAS, A bill was introduced in the House of Representatives of the National Congress on April 17, 1913 (H. R. 2925), reserving from the public lands in Idaho as a public park and pleasure ground for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber and all other natural objects therein, a tract of land to be known as the Idaho National Park, and the proposed segregation has had careful investigation on be-

half of special agents of the Department of Interior of the United States, Chief Geographer, Mr. R. B. Marshall and Mr. T. G. Gerdine of the U. S. Geological Survey, whose broad and comprehensive report, with suggested minor amendments, is contained in House Document Report No. 1356 (To accompany H. B. No. 6799) and submitted to Congress by Hon. Addison T. Smith, Representative from Idaho, under date of January 25, 1917; said report covering in detail the physical characteristics, natural resources, roads, and holdings within the proposed park area, and this report containing the following recommendations, concurred in by the Honorable Secretary of the Department of Interior of the United States.

1. That Congress be asked to create for the benefit and enjoyment of the people a national park in the Sawtooth Mountains of Idaho in approximately the center of the State, to be known as the "Idaho National Park," with boundary as defined on the map accompanying this report;

2. That whenever practicable lands included within the boundary of the proposed park which are now in private ownership be exchanged for public lands outside said boundary;

3. That a civilian superintendent and necessary guards be appointed through the United States Civil Service for the proper administration of the park;

4. That leases of suitable acreage for the erection of hotels, and camps for the accommodation of visitors within the park be granted, and that all such leases cover periods of not more than 25 years, subject to renewal under conditions governing leases in the other national parks;

5. That the use of dead and down timber for firewood and building purposes within the park be permitted;

6. That suitable roads and trails be constructed within the park;

7. That the use of automobiles within the park be permitted;

8. That a fish hatchery be maintained within the park to keep the streams stocked with fish;

9. That the destruction of game or birds within the park be prohibited; and

10. That all revenues derived from the park, from whatever source, be applied to its development and improvement.

WHEREAS, the territory set aside by said bill for the proposed Idaho National Park aggregates about three hundred twenty-five thousand, seven hundred sixty (325,760) acres in the heart of the Sawtooth mountain range, and is all included within the Sawtooth and Challis National Forests, and,

WHEREAS, the area described is covered for the most part with a very dense growth of timber, consisting largely of the log-pole pine species, which is not of a high commercial value, and

WHEREAS, the densely wooded character of the greater portion of the proposed reservation of the territory described for National Park purposes, prevents the growth of range grasses, forage or luxuriant foliage and also renders it inaccessible for ranging stock, except for a comparatively insignificant area, which said area, less pasturage for accommodation of campers is hereby recommended and petitioned to be retained as stock grazing ground under the same general rules and classification as grazing areas under the administration of the Department of Agriculture, and

WHEREAS, there are very few, if any, private holdings of property within the boundaries of the proposed Park, and

WHEREAS, the proposed Park is contiguous to a State game preserve embracing some two hundred and twenty thousand (220,000) acres of land, which combined, will constitute a game refuge of great value and importance to the State, and

WHEREAS, the area proposed to be set aside and dedicated to park purposes, constitutes the most scenic section not only of the State of Idaho, but is without a rival in all of the inter-mountain West in the grandeur, magnificence, natural beauty and extent of its mountain and lake scenery, having been discriminatingly described by scores of persons conversant with European scenery as the "Switzerland of America," and

WHEREAS, the picturesque lakes with their pine-clad borders, nestling at the bases of the jagged, snow-capped mountain peaks contain a rare species of fish known as "Redfish," which give their name to the entire region, and are not to be found in any other part of the United States, and

WHEREAS, these fish are not, and cannot well be afforded the adequate protection by the fish and game laws of the State which the rarity of the species justifies, and

WHEREAS, the proposed Park is easily accessible over excellent mountain roads and through a surpassingly beautiful mountain country, being within three hours drive by automobile and less than a day's drive by stage from a railroad terminal, and

WHEREAS, the permanent protection of the timber within the area which it is proposed to incorporate into a National Park is economically valuable to the State in that the proposed park area constitutes a portion of the water-shed of three important rivers of the State, whose waters are required for the irrigation of large bodies of land, and the flow of which in undiminished volume is dependent largely upon the preservation of the forests in the vicinity of their sources, and

WHEREAS, the creation of the Park would assure the proper protection and preservation of the unusual flora and abundant fauna of the region, and provide a national recreation ground not only for the present generation of Americans, but for future generations as well, and

WHEREAS, the creation of the Park will be of great value to the State of Idaho in serving to attract people from all parts of the country into her borders, and thus enable them to become conversant with the vast resources of the State,

WHEREAS, no action has been taken by Congress to enact the bill for the creation of the Idaho National Park into law,

NOW, THEREFORE, BE IT RESOLVED, That the Congress of the United States is hereby petitioned, for the reasons hereinbefore set forth, to enact a law dedicating and setting aside the territory herein described as a public park and pleasure ground for the benefit of the people of the United States, to be known as the Idaho National Park, and to be under the jurisdiction and control of the United States.

BE IT FURTHER RESOLVED, That a certified copy of this Memorial be forwarded to each of the members of the Congressional delegation from the State of Idaho to the Congress of the United States, and that the same shall constitute a request to the said delegates to employ severally and collectively their best efforts to secure action in the premises.

Passed the Senate Feb. 20, 1917.

Passed the House March 2, 1917.

SENATE JOINT MEMORIAL NO. 8.

TO THE HONORABLE, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED.

Your Memorialists, the Senate and the House of Representatives of the State of Idaho, Respectfully Represent:

THAT, WHEREAS, There is now pending and upon the calendars of both the Senate and the House of Representatives, a bill known as the Volunteer Officers Retired List Bill, and,

WHEREAS, Full pay for life was granted to all survivors of the Revolutionary War, the War of 1812, and the Indian Wars, in accordance with rank, that this is a measure of justice and in harmony with policy and should be speedily taken up and put upon its passage.

NOW, THEREFORE, Be it resolved, that, we, your memorialists, earnestly recommend that the above mentioned bill be taken up and voted on at the earliest possible date.

The Secretary of State of the State of Idaho is hereby instructed to cause a copy of this Memorial to be forwarded to each of the members of the Congressional delegation from the State of Idaho to the Congress of the United States.

Passed the Senate Feb. 10, 1917.

Passed the House Feb. 19, 1917.

SENATE JOINT MEMORIAL NO. 9.

A JOINT MEMORIAL

TO THE HONORABLE THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

Your Memorialists, the Senate and House of Representatives of the State of Idaho, respectfully represent; that,

WHEREAS, it has always been the policy of the Government of the United States of America to grant pensions to old and needy soldiers who served in the foreign and Indian wars of the United States, and to their widows; and,

WHEREAS, There remain in several of the Western States a small number of veterans of Indian Wars, some of whom have been recognized by Congress in recent years; and,

WHEREAS, We are informed that there is pending in Congress legislation for the relief of Indian War Veterans of Utah who participated in the Black Hawk War, and also for the relief of the Nez Perce Indian War Veterans, all of which legislation we consider just and right; and,

WHEREAS, The citizens of Franklin County, Idaho, named in this memorial suffered severely in the same Indian wars, and are equally deserving with the citizens of the State of Utah, for the relief of whom a bill is now pending before Congress granting federal relief; NOW, THEREFORE,

BE IT RESOLVED, That we, your memorialists, the Senate and House of Representatives of the State of Idaho, earnestly recommend that the following citizens of Franklin County, Idaho, be provided for in whatever relief legislation pertaining to veterans of Indian wars may be enacted by the Congress of the United States:

Captain N. T. Packer,
Edward Taylor,
Riley Davis,
S. R. Parkinson,
John Larson,
Edward Clayton,
William Handy,
Joseph Morrison,
George F. Hampton,
Mary A. Hobbs,
Selena Gregory,
Mary A. Albeston,
Emma J. Cornish,
Rebecca Woodward,
Eliza G. Lowe,
Mary Hawkes.

The Secretary of the State of Idaho is hereby instructed to cause a copy of this memorial to be forwarded to each of the members of the Congressional Delegation from the State of Idaho, to the Congress of the United States.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

HOUSE JOINT MEMORIAL NO. 1.

A JOINT MEMORIAL

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent, that,

WHEREAS: Great economic and moral advance has come to the State of Idaho because of two years of the absolute prohibition of the liquor traffic in the State, and,

WHEREAS: We are desirous that the same welfare shall come in all sections of our country, and,

WHEREAS: We feel it a duty we owe our country, our neighbor and our God, now, therefore,

BE IT RESOLVED, That we, the House of Representatives of the State of Idaho, the Senate concurring, do hereby memorialize the Congress of the United States of America, that it provide for a submission to the people of these United States, of a constitutional amendment providing for the absolute abolition of the liquor traffic, both manufacture and sale, from every portion of the United States of America.

Passed the House Jan. 24, 1917.

Passed the Senate Feb. 26, 1917.

HOUSE JOINT MEMORIAL NO. 4.

A JOINT MEMORIAL

TO THE HONORABLE, THE GOVERNORS OF SUCH STATES IN THE UNITED STATE AS DO NOT NOW GRANT EQUAL SUFFRAGE TO WOMEN:

Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent: That,

WHEREAS: The State of Idaho has for nearly twenty-six years granted the franchise for the ballot to the women of this State and accorded to them equal political rights,

AND, WHEREAS: Woman's suffrage in this State has been conducive to good government, has purified our politics, made better homes, and the ennobling influence of Idaho's womanhood, exerted at the polls, has been for the best interests of this young and prosperous commonwealth.

NOW, THEREFORE, Your memorialists urgently recommend that you communicate to the legislative bodies of your respective states this Memorial and urge upon those honorable bodies the enactment of such legislation as will make possible the granting of equal political rights to both men and women.

The Secretary of the State of Idaho is hereby instructed to forward this Memorial to the governors of such states in the United States as do not now grant equal suffrage to women immediately upon the passage of the same.

Passed the House Jan. 23, 1917.

Passed the Senate Jan. 31, 1917.

HOUSE JOINT MEMORIAL NO. 7.

A JOINT MEMORIAL

TO THE HONORABLE, THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED.

Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent That,

WHEREAS, The area within the county of Idaho, State of Idaho, commonly known as the "Thunder Mountain Country," consisting of approximately 1,120,000 acres of unreserved and unappropriated public land of which not to exceed one per cent is agricultural in character, the balance being rich in natural resources consisting of extensive bodies of commercial timber, ore deposits, water power possibilities, wild game and grasses and other forage suited to the growing of livestock, and,

WHEREAS: Nearly 350,000 acres of this area have been swept by forest fires during the past 12 years, destroying approximately 700,000,000 feet of timber; the mineral and water power possibilities of the region are lying dormant and unproductive through lack of transportation facilities and means of communication; the wild life is being exterminated; grazing lands devastated by nomadic herds to the detriment of the property owners and residents of this State, and the area is contributing little or nothing to the support of the county or State government or to the wealth of the surrounding communities, and,

WHEREAS: The inclusion of the said area within a national forest would eliminate the annual destruction of timber

by forest fires; make it possible for homestead settlers to secure title to their lands under the Forest Homestead Act of June 11, 1906, without expense to them other than entry and final proof fees and without the necessity of awaiting public land surveys; would bring Federal aid in the construction of wagon roads, trails, bridges and telephone lines; give adequate protection to the game animals, birds, and fish; establish a system of regulated range use, thus conserving and perpetuating the forage resources for the benefit of the local residents and tax payers; make it possible for the State to realize upon its equity in the lands by relinquishing the unsurveyed school lands (Sections 16 and 36) and selecting more valuable lands elsewhere; increase the revenues of the county and State through the receipt of 35% of the gross receipts collected by the Forest Service; enlarge the power of the State to share in the benefits of the Federal Aid Road Act, and otherwise assist in opening to development and use the vast natural resources of the Thunder Mountain region,

NOW, THEREFORE, BE IT RESOLVED, That we, your memorialists, earnestly request and recommend that action be initiated by your Honorable Body to create a national forest from the following described area within the County of Idaho, State of Idaho, commonly known as the Thunder Mountain region: Beginning at a point where the Middle Fork of Salmon River crosses the south line of Section 39, T. 14 N., R. 10 E., B. M., unsurveyed, and extending thence west to the southeast corner of Section 28, T. 14 N., R. 8 E., B. M., unsurveyed; thence south 1 mile; thence west on the 3rd Standard parallel north, unsurveyed, to the southeast corner of Section 33, T. 14 N., R. 7 E., B. M., unsurveyed; thence north to the township line between Ts. 18 and 19 N.; thence west 3 miles; thence north 6 miles; thence west 3 miles; thence north 12 miles to the 5th Standard parallel north; thence east on said parallel to the Middle Fork of Salmon River; thence up the Middle Fork of Salmon River to the place of beginning.

The Secretary of State of the State of Idaho is hereby instructed to forward a copy of this memorial to each of the members of the congressional delegation from the State of Idaho to the Congress of the United States.

Passed the House Feb. 13, 1917.

Passed the Senate Feb. 22, 1917.

HOUSE JOINT MEMORIAL NO. 8.

A JOINT MEMORIAL

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MAKE AN APPROPRIATION OF \$30,000 FOR THE IMPROVEMENT OF WAGON ROADS LEADING THROUGH AND TO INDIAN LANDS AND FOR THE DIKING OF SAID INDIAN LANDS ALONG THE BANK OF KOOTENAI RIVER BETWEEN BONNERS FERRY AND PORT HILL, IDAHO.

We, Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent: That,

WHEREAS, The improvement of the public highway leading to Indian lands along the Kootenai river between Bonners Ferry and Port Hill, Idaho, is a public necessity, and,

WHEREAS: The public highway was washed out by floods of 1916 from and to the Indian lands, said road being impassable. The river bank on and across said Indian lands was washed away in 1916, leaving them in such condition as to be subject to overflow, naturally affecting the growing crops of said Indians on said lands, and,

WHEREAS: The County of Boundary has heretofore constructed and maintained such wagon roads, the said Indian lands are not subject to taxation and that said Indians do not contribute anything toward the maintenance of said wagon roads, now, therefore,

BE IT HEREBY RESOLVED, That we, your memorialists, do recommend that \$30,000 be appropriated, or so much thereof as may be necessary, to construct said wagon road and dike said Indian lands, and,

BE IT FURTHER RESOLVED, That a copy of this memorial be sent to each of the members of the congressional delegation from the State of Idaho to the Congress of the United States and to each body of said Congress.

Passed the House Feb. 10, 1917.

Passed the Senate Feb. 22, 1917.

HOUSE JOINT MEMORIAL NO. 10.

A JOINT MEMORIAL

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED.

Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent: That,

WHEREAS: There are 45,000 acres of meadow land in the Kootenai River valley within Boundary County of the State of Idaho subject to the annual overflow from the said Kootenai river, and,

WHEREAS: By reason of a gravel bar having formed at the outlet of Kootenai lake, which outlet is located in British Columbia, thereby causing the waters of Kootenai Lake and Kootenai river to rise to the height of about thirty (30) feet annually, thus overflowing about 120,000 acres of meadow land. 45,000 acres of said overflowed lands are in Boundary County, Idaho, and about 75,000 acres of said overflowed lands are in British Columbia, and,

WHEREAS: The said meadow land can be made valuable for farming purposes by draining same, and by reason of said overflow said lands are rendered valueless for farming purposes, and,

WHEREAS: If the said gravel bar is removed from the outlet of said Kootenai lake the water in said lake and river will not rise to a height of more than two feet, and,

WHEREAS: By reason of the removal of the timber from the valley of said river, thus permitting the snow fall to melt very rapidly, thus causing said river and lake to overflow, causing great damage to life and property, and,

WHEREAS: Said obstruction at said outlet of said Kootenai lake is wholly within British Columbia it is impossible for the State of Idaho to remove said obstruction from said outlet without the co-operation of British Columbia, and,

WHEREAS: The Government of British Columbia has signified its intention to assist the United States in removing said obstruction from the outlet of Kootenai lake and river, and,

WHEREAS: The Government of British Columbia proposes to take charge of the removal of said obstruction and has made careful and accurate survey of the waters of Kootenai lake and river and said Government of British Columbia proposes to place a dam about two miles below said outlet of Kootenai lake so that the navigation on said lake will not be impaired by reason of such drainage, and,

WHEREAS: The Government of British Columbia estimates the cost of said improvement and drainage to be \$1,750,000.00 of which sum \$60,000.00 has already been expended in British Columbia for surveys and preliminary work and the sum of \$6,000.00 has been expended by the United States in making these surveys in the Kootenai River valley, in Boundary County, Idaho, and,

WHEREAS: It will necessitate the further expenditure of the sum of \$750,000.00 as the proportionate part of the total cost of such reclamation on the part of the United States government, and,

WHEREAS, The Government of British Columbia proposes to expend the further sum of \$1,000,000.00 as its proportionate part to complete said drainage project, and,

WHEREAS: It is desired by your memorialists that the Congress of the United States make the necessary appropriation to complete the proportionate part of the work to be done on such drainage project on the part of the United States, now, therefore,

BE IT RESOLVED, That the Congress of the United States is hereby petitioned to make an appropriation of the amount necessary to complete its proportionate part of said drainage project and to instruct the Secretary of State of the United States to enter into all necessary contracts with the Government of British Columbia to complete such drainage project. The Secretary of State of the State of Idaho is hereby instructed to forward this memorial to the Senate and the House of Representatives of the United States and copies thereof to the Secretary of State of the United States and to our Senators and Representatives in Congress immediately upon its passage.

Passed the House March 1, 1917.

Passed the Senate March 9, 1917.

Amendments to Constitution of the State of Idaho

AMENDMENT NO. 23.

ARTICLE III.

SECTION 26. From and after the first day of May in the year 1917, the manufacture, sale, keeping for sale, and transportation for sale of intoxicating liquors for beverage purposes are forever prohibited. The legislature shall enforce this Section by all needful legislation.

Adopted November 7, 1916.

Effective December 1, 1916.

AMENDMENT NO. 24.

ARTICLE IX.

SECTION 8. It shall be the duty of the State Board of Land Commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be granted to the State by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor: *Provided*, That no school lands shall be sold for less than ten (10) dollars per acre. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands, subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The Legislature shall, at the earliest practicable period, provide by law that the general grants of land made by Congress to the State shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective objects for which said grants of lands were made, and the Legislature shall provide for the sale of said lands from time to time and for the sale of timber on all State lands and for the faithful application of the proceeds thereof

in accordance with the terms of said grants: *Provided*, That not to exceed One Hundred (100) sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed Three Hundred and Twenty (320) acres of land to any one individual, company or corporation.

Adopted November 7, 1916.

Effective December 1, 1916.

UNITED STATES OF AMERICA,
STATE OF IDAHO.

I, W. T. DOUGHERTY, Secretary of State of the State of Idaho, do hereby certify that the foregoing printed volume contains true and literal copies of all the laws, memorials and resolutions passed by the Legislature of the State of Idaho, at the Fourteenth Session thereof, which convened on the 8th day of January, 1917, and adjourned on the 10th day of March, 1917, as appears from the enrolled acts, memorials and resolutions now on file in this office; also true and correct copies of all amendments adopted at the General Election held in 1916, as appears from the record of the State Board of Canvassers, all of which are published by authority of the laws of the State of Idaho.



IN TESTIMONY WHEREOF,
I have hereunto set my hand and
affixed the Great Seal of the State.
Done at Boise, the Capital of Idaho,
this 10th day of April, in the year of
our Lord One Thousand Nine Hun-
dred and Seventeen, and of the In-
dependence of the United States of
America the One Hundred and
Forty-first.

Secretary of State.

TABLES OF AMENDMENTS, REPEALS AND REFERENCES

ABBREVIATIONS USED.

A.	Amended or amendment
Am.	Amended or amendment
Art.	Article
Ch.	Chapter
P.	Page
R.	Repealed
Rep.	Repealed
Rev. Codes	Idaho Revised Codes
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CONSTITUTION OF IDAHO.

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